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WORKMEN'S COMPENSATION IN CANADA

A COMPARISON OF PROVINCIAL LAWS

1949

DEPARTMENT OF LABOUR OF CANADA

LEGISLATION BRANCH

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MINISTER

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DEPUTY MINISTER

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C O N T E N T S

	<u>Page</u>
Introduction	1
Individual Liability	3
Dominion Government Employees	6
War Veterans	7
Blind Workmen	7
Workmen's Compensation Boards	7
Cost of Administration	8
Scope of Laws	9
Farm Labourers and Domestic Servants	11
Clerical and Casual Workers and Outworkers	12
Seamen	12
Risks Covered	13
Occupational Diseases	14
Waiting Period	15
Medical Aid	15
First Aid	17
Rehabilitation	18
Accidents Occurring Outside the Province	18
Non-resident Workmen and Dependants	20
Security for Payment of Compensation	21
Accident Prevention	22
International Labour Conventions and Recommendations ..	24
Occupational Diseases Compensated by Provinces	28
Scale of Compensation	36

WORKMEN'S COMPENSATION IN CANADA

A Comparison of Provincial Laws in November, 1949.

Introduction

In all the Canadian provinces there is a statute providing that, in any industry to which the Act or the main part of it applies, compensation shall be paid for personal injury to a workman by accident arising out of and in the course of employment or by an occupational disease specified in the Act or regulations except where the workman is disabled for less than a stated number of days or where the injury is attributable to his serious and wilful misconduct and (except in Newfoundland) does not result in death or serious disablement.

To ensure that this obligation shall be met, the Acts of all provinces but Newfoundland provide for an Accident Fund administered by a provincial board to which employers are required to contribute. At any time a special assessment may be levied on employers to take care of compensation payments and in some provinces the money may be advanced from the provincial Treasury and repaid later from assessments. In all cases the province is responsible for the solvency of the Fund.

The right to compensation is not affected by the employer's neglect or refusal to furnish information or to pay his assessment or by his insolvency. A workman in an industry to which these provisions apply has no right of action against his employer for injury received in the course of employment.

This State system of workmen's compensation is one of collective liability on the part of employers. Industries are classified according to their hazard and each class is liable for the cost of accidents occurring in their class although for the purpose of compensation the Accident Fund is one.

In all provinces but Newfoundland this compulsory State system of collective liability replaced a system of individual liability as provided for in earlier statutes, but an individual liability Act is still in force to some extent in Saskatchewan. The Newfoundland Workmen's Compensation Act, which is described on p. 5 is of the individual liability type. The collective liability system of State insurance was adopted in Ontario in 1914 following a comprehensive report on employers' liability for accidents by a special commissioner appointed to inquire into the subject. Nova Scotia followed Ontario's example with variations in some points in 1915, British Columbia in 1916, Manitoba in 1916 in respect to collective liability but not State insurance until 1920, Alberta and New Brunswick in 1918, Saskatchewan in 1929 and Quebec in 1931. Amendments have been made in all these statutes from time to time. In New Brunswick, a new Act was passed in 1932,

Nova Scotia revised its Act in 1938, and Alberta in 1943 and again in 1948. Prince Edward Island enacted its first Workmen's Compensation Act in 1949. The statutes in Saskatchewan, Quebec and New Brunswick have followed closely the Ontario Act in many respects and in the other provinces, too, there has been an increasing tendency towards uniformity in recent years.

Only the main points of the legislation are covered in this analysis. The scale of benefits and the occupational diseases which are compensated are set out in tables at the end. A summary of the provisions of the Conventions and Recommendations of the International Labour Conference on workmen's compensation permits a comparison between I.L.O. standards and the provincial statutes.

In 1949, besides the enactment of the new Prince Edward Island Act, amendments were made to the Acts of Nova Scotia, Ontario, Quebec and Saskatchewan.

The Prince Edward Island Act provides for the payment of compensation to a totally disabled workman at the rate of 66-2/3 per cent of his average weekly earnings. If a workman is only partially disabled, he is entitled to receive 66-2/3 per cent of the difference in his earnings before and after the accident. Not more than \$2,500 annual earnings may be taken into account in computing compensation.

In death cases, a widow is entitled to receive a lump sum of \$100 and a payment of \$40 a month during widowhood, and, if the workman leaves children, \$10 a month for each child under 16. Where both parents are dead, children under 16 are entitled to a payment of \$20 a month each. The maximum payable to consort and children or to orphan children is \$80 a month. Exclusive of burial expenses, monthly benefits in fatal cases may not exceed two-thirds of the workman's average earnings. Where compensation must be reduced under this provision, the reduction is not to affect amounts paid to consort and children, as given above.

In Nova Scotia, compensation in fatal cases in respect of each child under 16 was increased from \$10 to \$12.50 a month, and in respect of each orphan under 16 from \$20 to \$22.50 a month. In cases of permanent total disability, the minimum weekly payment which may be made is now \$15 instead of \$12.50.

The Nova Scotia amendment further provided that, in computing the compensation payable for permanent partial disability, i.e. two-thirds of the difference in earnings before and after the accident, the workman's average earnings must not be taken as less than \$18.75 a week in any case where the disability is determined by the Board to be 25 per cent or more of the workman's earning capacity.

The maximum amount of average earnings that can be used as a basis for reckoning compensation was increased from \$2,000 to \$2,500 a year.

In Ontario, from January 1, 1950, the basic rate of compensation for disability was increased from 66-2/3 to 75 per cent of average earnings and the maximum yearly earnings on which compensation is reckoned, from \$2,500 to \$3,000. By an amendment effective from July 1, 1948, the monthly compensation payable in death cases, exclusive of burial expenses and the lump sum of \$100, may not exceed the workman's average earnings, instead of two-thirds of such earnings, as formerly. Where the total sum payable would exceed average earnings, the compensation must be reduced but the reduction is not to affect the payment of \$50 to a widow, with \$12 to each child or \$20 to each orphan child, unless the total benefits to such dependants exceed \$100 a month. Further amendments fixed \$100 a month as the maximum compensation which may be paid to dependants other than consort or children, and provided that, in cases where the Board permits compensation to be paid to the age of 18 in order to continue a child's education, payments may be made to the end of the school year when the child's eighteenth birthday occurs during the year.

The amendment to the Quebec Act increased the membership of the Workmen's Compensation Commission from four to five.

The Saskatchewan amendment, effective from April 1, 1949, provided for higher benefits for totally disabled workers. Where a disabled worker with dependants is receiving compensation amounting to less than \$1,200 a year, the Board may in its discretion pay additional monthly amounts of \$10 for a wife or invalid husband and \$5 each for the first and second child under 16; \$10 for the first child, and \$5 each for the second and third where the only dependants are children; and a reasonable weekly sum to be determined by the Board where the dependants are other than consort and children. The maximum compensation payable for total disability is, however, \$1,200 a year.

In no case is the payment in cases of permanent total disability to be less than \$15 a week. Formerly, the minimum weekly payment was \$15 or the amount of average earnings if they were less than \$15.

During 1949, British Columbia revised its schedule of industrial diseases, increasing the number of diseases for which compensation is payable.

Individual Liability

A Saskatchewan Act of 1911, under which the employer was individually liable and might insure his risk in a private insurance company was superseded with respect to most industrial workers by the statute providing for collective liability but the earlier law remains in effect with respect to certain classes of workers. The Workmen's Compensation (Accident Fund) Act does not apply to men in train service but members of the unions in which these workers are

organized may be brought within its scope if a majority of the members indicate by ballot their desire to that effect. The members of the Brotherhood of Locomotive Firemen and Enginemen came under this Act on April 1, 1948.

In this analysis the expression "Workmen's Compensation Act" when used with respect to Saskatchewan refers only to the later collective liability statute.

In Nova Scotia, Part III of the Act provides that compensation for accidents to persons employed in fishing or dredging shall be paid by the employer, who is required to insure to the extent of his liability with an insurance company. Compensation in these industries does not include medical aid or burial expenses but in other respects is on the same scale as in other industries. Payment, however, is enforced by an action in the courts and the Workmen's Compensation Board is not concerned with it. The employer is not liable where the workman or dependants are entitled to compensation under the War Measures Act or Regulations.

In Ontario and Quebec, public authorities and certain corporations such as railways, shipping, telephone and telegraph companies are themselves liable to pay compensation but the amount and all other questions are determined by the Workmen's Compensation Board as in the case of accidents for which compensation is paid from the Accident Fund. Such corporations contribute their proportion of the cost of administering the Act as do also the Dominion and Provincial Governments. The individual liability of these public bodies and corporations is to be sharply distinguished from that of the railway companies under the earlier statutes in Alberta and Saskatchewan and from that provided for in Part II of the Act of certain provinces.

In British Columbia, Manitoba, New Brunswick, Ontario and Prince Edward Island, the Workmen's Compensation Act is divided into two Parts. In Nova Scotia, as indicated above, there are three Parts. Part II of these six statutes applies to industries to which Part I, providing for a provincial system of collective liability, does not apply. It is stipulated in Part II that a worker in an industry which is not within the scope of Part I of the Act, that is, not within the system of collective liability or of personal liability in the case of certain large employers in Ontario as administered by the Workmen's Compensation Board, has right of action against his employer for injury received in an accident caused by any defect in the machinery or plant of the employer or caused by his negligence or that of any persons employed by him. The fact that the worker continued in the employment with the knowledge of any defect or negligence is not a bar to the recovery of damages. Negligence on the workman's part may be a factor in determining the amount of damages. Thus, the workers in industries outside the workmen's compensation scheme, under which all accidents

occurring to workmen within the scope of the scheme and arising in the course of employment are compensated without recourse to the law courts, are protected in some measure by the adoption of these principles which distinguish employer's liability from workmen's compensation and from the common law.

In the Yukon Territory, an Ordinance of 1917 applies to undertakings employing five or more workmen and to injuries causing death, or disability for 3 days or longer. An amendment of 1939 provides for compensation also for silicosis, infected blisters and poisoning from lead, arsenic and mercury. Disputed claims are settled by the Territorial Court. Compensation is \$5,000 in case of death, with \$750 for each child under 16, the total not to exceed \$8,600; \$6,000 for permanent total disablement; and fixed sums for other injuries.

The Northwest Territories Workmen's Compensation Ordinance requires employers to obtain accident insurance for their workmen in an approved company. If an employer fails to enter into a contract of insurance, he is liable to a fine not exceeding \$500, and, in addition, the Commissioner of the Northwest Territories may refuse to grant him a licence to carry on business or may cancel a licence if already granted. Exemption from the Ordinance is to be granted only if other arrangements satisfactory to the Commissioner have been made. The industries covered by the Ordinance and the industrial diseases for which compensation is payable were set out by regulations issued in February, 1949. With some exceptions, these are similar to the industries and diseases covered by the British Columbia Workmen's Compensation Act.

The Newfoundland Workmen's Compensation Act applies to persons employed under a contract of service or apprenticeship; to persons plying for hire with a vehicle or vessel obtained under a contract of bailment and paid for by a share in earnings or otherwise; to masters, seamen and apprentices to the sea service, apprentices in the sea fishing service, and members of the crew of an aircraft, provided such persons are workmen within the meaning of the Act and the ship or aircraft is registered in Newfoundland or the owner or operator resides in or has his principal place of business in Newfoundland; and to Crown employees to whom the Act would apply if the employer were a private person. In the latter case, the Government may exclude any class of such workmen if they are provided for by a scheme not less favourable than the Act.

The Act does not apply to persons employed otherwise than by way of manual labour at a remuneration exceeding \$2,400 a year, casual workers, outworkers, members of the employer's family and domestic servants.

Under its individual liability system, the Newfoundland Act makes an employer liable to pay compensation for injuries to his workmen causing death or disability for three days or longer and for any of the occupational diseases in the schedule to the Act. There is no workmen's compensation board. Except as otherwise provided in the Act, compensation is recovered by court action.

In fatal cases, compensation is a lump sum which, including the allowances for dependants under 16, may not exceed \$6,000. In cases of total disability, weekly payments may not exceed 50 per cent of the workman's average weekly earnings, and in partial disability, one-half the difference in average weekly earnings before and after the accident.

A workman receiving weekly payments is entitled to a supplementary allowance amounting to one-sixth of his weekly payment for each child under 16, provided that the total of such allowances and the weekly payment may not exceed 75 per cent of average earnings in cases of total disability and 75 per cent of the difference in earnings before and after the accident in cases of partial disability.

The Act also entitles an injured workman to medical, surgical and dental aid, hospital and nursing services and to artificial members and apparatus and dental appliances as may be necessary.

As regards procedure for determining compensation, if, in any action, the Supreme Court of Newfoundland decides or the employer agrees that compensation is payable, questions as to amount or duration, etc., may be referred to the Registrar of that Court and any order made by him is enforceable as a Court judgment. Where the amount of compensation or other matter is decided upon by agreement, a memorandum of the agreement must be recorded.

Provision is made for the Court or Registrar to refer any matter to a magistrate who is to act as a Compensation Commissioner and take evidence near the scene of the accident.

Where the injury was caused by the personal negligence of the employer or of some person for whom he was responsible, nothing in the Act is to affect the civil liability of the employer, but in that case the workman may, at his option, claim compensation or take action.

Dominion Government Employees

The Dominion Government Employees' Compensation Act, 1947, which repealed an Act passed in 1918 provides that Dominion Government employees or their dependants shall be paid the same compensation as persons employed by private employers would receive under the Act of the province in which the accident occurs. The amount

of compensation is determined by the provincial Board and paid by the Dominion Government. Under this statute, all Dominion Government employees are eligible for compensation for accidents arising out of their employment, whether or not persons in that class of employment would be eligible under the provincial Act concerned.

War Veterans

A policy adopted by the Dominion Government in 1921 to encourage the industrial employment of war veterans has been continued in force with modifications from time to time. An Order in Council of May 3, 1944, authorized the Dominion Department of Pensions and National Health to reimburse any Workmen's Compensation Board, or an employer who is individually liable, for all or part of the cost of compensating for an industrial accident any war veteran who receives a pension for disability of between 25 and 79 per cent. In July, 1945, the upper limit of 79 per cent was removed so that all pensioners who have 25 per cent or more disability are now within the scope of this policy. This Order was revised on January 13, 1948, and provision made for administration of the scheme by the Department of Veterans' Affairs.

Blind Workmen

The Ontario Blind Workmen's Compensation Act, 1931, a 1943 amendment to the Quebec Workmen's Compensation Act, a 1944 Nova Scotia Act, one in Saskatchewan in 1945 and statutes in Alberta and New Brunswick in 1948 provide that where compensation for an accident to a blind workman exceeds \$50, the Workmen's Compensation Board, or the employer if he is individually liable, is to be reimbursed from the Consolidated Revenue Fund of the Province, in Ontario for the full amount of such compensation and in the other five Provinces, for the amount in excess of \$50, provided that at the time of the accident the workman was employed with the approval of an institute for the blind recognized by the Government of the Province for that purpose.

Workmen's Compensation Boards

Each Workmen's Compensation Act provides for the appointment by the Lieutenant-Governor in Council of an administrative body of three members, five in Quebec, to be called the Workmen's Compensation Board, or in Quebec, Commission. In Manitoba and Saskatchewan, only the chairman is required to devote his whole time to the work.

In Alberta and British Columbia, the term of the members and in Saskatchewan the term of the chairman is ten years but except in Alberta they may be reappointed. In the other provinces the members hold office during good behaviour or, in Ontario and Quebec, during pleasure. In Manitoba, the chairman, and in Nova Scotia, Ontario and Prince Edward Island, all members of the Board must retire on reaching the age of 75 unless otherwise directed by the

Lieutenant-Governor in Council. In British Columbia, a Board member may be retired at 70. The New Brunswick statute does not refer to the tenure of office of members of the Board.

The industries within the scope of each Act except that of New Brunswick are classified by the Act according to accident hazard but the Board may add to these classes or subdivide or rearrange them and may also add to or withdraw industries from such classes. The New Brunswick statute provided that the classification should be made in the first place by the Board and the Prince Edward Island Act makes similar provision. The Boards have authority to fix assessment rates appropriate to each class with preferential or merit rating in favour of industries with good accident records. They may collect assessments, determine the right to compensation and pay the amount due to workmen or dependants. The Provincial Accident Fund must be so maintained as to be sufficient to meet all claims as they arise. In all these matters, the Boards of Alberta, British Columbia, Manitoba, Ontario, Quebec and Saskatchewan have exclusive and final jurisdiction but New Brunswick, Nova Scotia and Prince Edward Island allow appeals to the Supreme Court of the province, with permission of a judge of that Court, upon questions of law or jurisdiction.

In case of dispute as to the payment of any assessment or other sum or of failure to pay such sums, any Board may file an order for payment with the clerk of the court specified in the Act, whereupon as an order of the court, it may enforced like any other judgment.

Cost of Administration

In each province the salaries of Board members and the costs of administration are borne by the Accident Fund. In British Columbia, Manitoba, Nova Scotia, Ontario, Prince Edward Island and Quebec, an annual grant may be made from the Consolidated Revenue Fund to assist in defraying expenses. In New Brunswick, the Act stipulates that the salaries of Board members and other costs of administration are to be paid from the Consolidated Revenue Fund unless the Lieutenant-Governor in Council orders payment of any portion from the Accident Fund. The Saskatchewan Act authorized a grant not exceeding \$25,000 to assist in organizing the work and meeting initial expenses. In most provinces a grant was made only in the first year for organization, and in those provinces which provided at first for the payment of the salaries of the Board members from the provincial Treasury, the Acts were amended to require them to be paid from the Accident Fund. In no province is any financial assistance now given by the Government to the cost of administration of the Act, but where, as in some provinces, the Board is charged with other duties, the expenses in connection with them are paid by the province.

In proportion to the accidents to their own employees, however, the Governments of the Dominion and the Province contribute, like other employers who are individually liable, to the cost of administration.

In British Columbia, the Act stipulates that the Chairman's salary may not be less than \$6,000 or more than \$7,500 and the salaries of the other members not less than \$5,000 or more than \$6,000. In the other provinces, the remuneration of Board members is determined by the Lieutenant-Governor in Council. In addition to the salary thus provided for, the Manitoba Act enables the Lieutenant-Governor in Council to authorize the payment to a director giving part-time service of an allowance of \$15 for each meeting of the Board in excess of fifty which he attends in any year.

Scope of Laws

The provincial Workmen's Compensation Acts vary in scope but, in general, they all cover employment, whether by way of manual labour or otherwise, in connection with or incidental to industrial undertakings, including lumbering, mining, quarrying, fishing, manufacturing, printing, engineering and construction, plumbing, painting, decorating and renovating, transport of passengers or freight by rail or water and transport of goods by road, operation of electric power lines, telegraph and telephone systems, waterworks and other public utilities, navigation and operation of boats, tugs and dredges, of power laundries, bakeries, dairies, grain elevators, refrigeration plants or warehouses, freight or passenger elevators and of lumber, wood and coal yards, scavenging and window-cleaning, dyeing and cleaning.

Theatres and places where moving-pictures are exhibited, automobile repair shops and places for the sale of gasoline, oil, etc. are within the scope of the Act in all provinces. Shops are covered in Alberta, British Columbia, New Brunswick, Prince Edward Island and Saskatchewan; hotels in Alberta, British Columbia, New Brunswick, Ontario, Prince Edward Island and Saskatchewan; restaurants in Alberta, British Columbia, Ontario and Saskatchewan. Hospitals are within the scope of the British Columbia, New Brunswick, Ontario and Saskatchewan Acts; nursing homes are covered in British Columbia and Saskatchewan. Radio broadcasting stations are included in Alberta, British Columbia and New Brunswick. The operation of an office building is under the Ontario Act, and building maintenance and operation is under the British Columbia and Saskatchewan Acts. Transport by air is expressly included in Alberta, British Columbia, New Brunswick and Ontario. In Manitoba, it is included when carried on by certain subsidiaries of the Canadian Pacific Railway Company. In Ontario, workers employed in transport of passengers by automobile or trolley coach are covered by the Act if four or more are employed. Alberta brought the occupation of furniture polishing, painting and varnishing under its Act in 1949.

In British Columbia, employers in practically all industries with the exception of farming are required to protect their workmen under the Act. Among the industries and occupations now covered are wholesaling, ice-harvesting, shipping, marine salvage, trucking, hauling, transfer, messenger or delivery service, funeral undertaking, blacksmithing, the non-industrial construction of buildings having a value of \$2,500 or more, and the operation of such places as golf courses, parks, horse-race courses, ice and roller-rinks, bowling-alleys and billiard-parlours, dance-halls, steam baths and beer-parlours.

There are other variations with respect to miscellaneous industries or occupations. The scope of the Acts is affected, too, through the power given in all provinces but Alberta to exclude small establishments. Some undertakings have been excluded unless more than a specified number are employed, e.g. power laundries and restaurants in Ontario are included only when six or more workers are employed, and repair shops only when at least four are employed. The Nova Scotia Board excludes all undertakings employing less than five persons.

Whenever a municipal corporation or school board carries on a business which would be within the Act if conducted by a private employer, all the Acts, except that of Ontario, provide for its inclusion. Ontario protects all persons employed by municipal corporations or school boards except those employed by rural school boards. Municipal police and fire departments are protected in Alberta, British Columbia, Manitoba, Ontario and Saskatchewan, and they may be brought within Part I of the New Brunswick, Nova Scotia and Prince Edward Island statutes. In British Columbia, in 1946 all employees of municipal boards or corporations were brought within the Act.

Persons employed by the provincial Government in industries covered by the Act are declared within the scope of the Acts in British Columbia, Manitoba and Quebec. In New Brunswick and Nova Scotia, it is provided that such employees may be brought within the Act and this has been done. In Alberta, Ontario and Saskatchewan, all provincial Government employees are protected.

In every province, certain classes of workers are declared not to be within the scope of the collective liability system or of personal liability as provided for in Ontario and Quebec. Power is given to the Boards, however, to include industries or workmen not within its scope in the first instance on certain conditions. In all provinces, an industry may be brought under the Act by the Board on application of the employer. Workmen, otherwise excluded, may be declared by the Board to be within the statute in British Columbia, Manitoba, New Brunswick, Nova Scotia, Prince Edward Island and Saskatchewan if the employer applies for such action. In British Columbia, industries may be admitted by the Board on application of the workmen. In Alberta, any establishment or industry may be so

admitted under certain conditions as to particular classes of workers as indicated below. Of its own motion, the Board may bring industries within the Act in Alberta, British Columbia (on such terms and conditions as it deems proper), Manitoba, Nova Scotia, Ontario and Quebec. In New Brunswick and Saskatchewan, this may be done by the Lieutenant-Governor in Council on recommendation of the Board.

On the other hand, the Board in every province but British Columbia has power to exclude any industry from the Act or, in the case of Manitoba, New Brunswick, Nova Scotia, Ontario and Saskatchewan, from Part I. In Ontario, Quebec and Saskatchewan, such exclusion must be approved by the Lieutenant-Governor in Council, although in Ontario, the Board may exclude any particular trade or occupation from an industry in Part I. As indicated above, undertakings in which not more than a stated number of workmen are usually employed may be excluded by order of the Board in all the provinces except Alberta. In New Brunswick, Nova Scotia and Prince Edward Island, such undertakings may be readmitted by the Board, while in Manitoba and in Ontario, if an employer or workman in an undertaking so excluded notifies the Board that he wishes to be included, the undertaking must be admitted. In Quebec, only by notification by the employer is the Board required to include the undertaking in the collective liability scheme. In Saskatchewan, application by employer or workman in these cases must be approved by the Board. Regulations made under this authority relate to different industries but the Manitoba Board has not exercised its power to exclude small industries while on the other hand in Nova Scotia all industries employing less than five workmen have been placed outside the Act.

Farm Labourers and Domestic Servants

Certain classes of workers, although they are expressly excluded by some of the Acts may, on certain conditions, be admitted. Among these are farm labourers, domestic servants, clerical and casual workers and outworkers.

In Manitoba, New Brunswick, Nova Scotia, Prince Edward Island and Saskatchewan, the Act is expressly declared not to apply to farm labourers or to domestic servants, while in Ontario and Quebec, the Act excludes the "industry of farming" and domestic service.

In Manitoba, New Brunswick, Nova Scotia, Prince Edward Island and Saskatchewan, either of these classes, and in Ontario the farming industry, may be admitted to Part I on the employer's application. In New Brunswick and Saskatchewan, they may be brought within Part I by the Lieutenant-Governor in Council on the Board's recommendation. In none of these provinces have these classes been brought within the Act.

The Alberta Act applies only to specified industries and domestic service is not mentioned. As to farm workers, the statute provides that farming or ranching may be included by the Board on the application of the employer or of a majority of the employees with the employer's consent. A small number of persons carrying on farm operations together with some other undertaking have had their employees brought within the Act.

The British Columbia Act is declared not to apply to domestic servants. Farming is not among the industries specified in the statute but under the Board's general power to declare industries or undertakings within the Act on the application of either employer or workmen, farm labourers may be brought within it.

Hence, in all provinces, except Alberta to a limited extent, farm labourers and domestic servants, or their dependants, have recourse only to an action at common law for damages for accidents arising out of employment.

Clerical and Casual Workers and Outworkers

Clerical workers employed in industries which are within the Act are excluded from Part I of the Manitoba Act unless they are exposed to the hazards of the industry; in the other provinces, they are eligible for compensation.

Casual workers, employed otherwise than for the purpose of the employer's business, and outworkers or persons to whom work is given to be done at home, are outside the scope of the collective liability system in all provinces. In British Columbia, New Brunswick, Nova Scotia, Prince Edward Island and Saskatchewan, these two classes may be brought within the scope of the Act under the conditions outlined above (see p.10). In Alberta, casual workers may be brought under the Act on application of the employer or of the majority of the workmen if the employer consents, but outworkers are declared outside the Act.

Seamen

The Merchant Seamen Compensation Act, 1946, applies to seamen on ships registered in Canada or chartered by demise to a resident of Canada or to one whose principal place of business is in Canada provided that the ship is engaged in trading on a "foreign" voyage or on a "home-trade" voyage. The Act may be applied by the Governor in Council to seamen hired in Canada and employed on a ship registered out of Canada but operated by a resident of Canada or a person having his principal place of business in Canada.

Benefits under the Dominion Act include, in a fatal case, \$45 monthly to a widow, with \$10 for each child under 18 years, or \$20 for each orphan child, together with a maximum of \$125 for burial expenses if they are not borne by the employer in accordance

with the Canada Shipping Act, and not more than \$125 for transportation and other expenses incurred in transferring the body to the place of interment. Monthly benefits in such cases may not exceed two-thirds of the seaman's average earnings. In case of total disablement, the seaman is entitled to two-thirds of his average earnings and for partial disablement, two-thirds of the difference between his average earnings before and after the accident.

Where benefits are based on average earnings, not more than \$2,500 annual earnings may be taken into account. Medical aid and compensation are payable from the date of disability if the injury disables the seaman for seven days or more.

Seamen are within the scope of the British Columbia, Manitoba, New Brunswick, Nova Scotia, Ontario, Prince Edward Island and Quebec Acts. Thus, the provisions concerning accidents occurring outside the province are of special interest in this connection (p. 18).

During the period for which duty is payable to the Sick Mariners' Fund under the Canada Shipping Act, and seamen are, therefore, eligible for medical aid under specified conditions, the British Columbia, New Brunswick, Nova Scotia and Prince Edward Island Acts stipulate that medical aid is not payable under their provisions. In British Columbia, however, in 1946 seamen were made eligible under the Workmen's Compensation Act for any additional medical aid not furnished under the Canada Shipping Act. (p. 17).

Risks Covered

Where in any employment within the scope of the provincial workmen's compensation system "personal injury by accident arising out of and in the course of the employment is caused to a workman", compensation is to be paid, including cash payments, medical and surgical aid and hospital and skilled nursing services. But no compensation is payable where the injury

is attributable solely to the serious and wilful misconduct of the workman unless the injury results in death or serious disablement.

This wording of the Ontario Act is reproduced in the statute of Quebec and, with some slight variation, in Alberta. In British Columbia, Manitoba, Nova Scotia, Prince Edward Island and Saskatchewan, the law is similar but the exception in favour of a workman whose misconduct caused the injury is limited to cases where the resulting disablement is permanent. The New Brunswick Act varies from that of Ontario in stipulating that no compensation shall be paid if the injury was, in the opinion of the Board, intentionally caused by the workman or was wholly or principally due to his intoxication or serious and wilful misconduct and did not result in the workman's death.

In all the provinces but New Brunswick the word "accident" is defined to include "a wilful and an intentional act, not being the act of the workman, and a fortuitous event occasioned by a physical or natural cause". In Nova Scotia and Prince Edward Island, compensation is payable for injury by lightning, and in Nova Scotia, Prince Edward Island and Saskatchewan for frostbite resulting from the workman's employment. A special clause in the Alberta Act provides that where a workman is found dead in a place where his employment might cause him to be, it shall be presumed that his death was the result of an accident arising out of his employment unless the evidence is sufficient to rebut the presumption. A similar provision in the Nova Scotia Act applies only to a workman found dead in the underground workings of a coal mine.

Occupational Diseases

In addition to accidents, certain occupational diseases give a workman right to compensation in all the provinces, "if the disease is due to the nature of any employment in which he was engaged at any time within twelve months previous to the date of his disablement whether under one or more employments". In Ontario since 1947 any disease peculiar to an industrial process is to be compensated. In all provinces but Alberta, it is stipulated that compensation shall not be paid if at the time of entering into the employment, the workman had wilfully and falsely represented himself as not having previously suffered from the disease. Except in New Brunswick, Nova Scotia and Prince Edward Island, the workman is ineligible for compensation only if such false representation has been made in writing.

The diseases for which compensation is payable are set out in a schedule to each Act, except in New Brunswick, but the Board in every province is given authority to add to it and in all cases other diseases have been added to the original list. In New Brunswick, the Board was empowered to determine by regulation all the diseases to be compensated. Appended to this statement is a table showing the occupational diseases which are compensated under the provincial Acts.

In New Brunswick and Prince Edward Island, the Board may require a workman in any employment to have a medical examination in order to determine whether he has an occupational disease, and if he refuses or fails to do so, the employer may not continue to employ him.

In Alberta, British Columbia, Manitoba, Ontario, Quebec and Saskatchewan, silicosis is compensated under certain conditions, if the workman has been employed in a specified industry where he was exposed to silica dust. In Nova Scotia and Prince Edward Island, it is compensated if it occurs in any industry in which silica dust may be inhaled. Silicosis was declared an industrial disease in New Brunswick in 1948.

Waiting Period

Under each Act, a fixed period must elapse before compensation becomes payable. This "waiting period" varies from three to seven days, and in all provinces compensation is paid for the waiting period if disability continues beyond it. Under all the Acts medical aid is given from the date of the accident.

In Nova Scotia, Ontario, Prince Edward Island and Quebec, compensation is payable only if the disability continues for seven days or more, and in New Brunswick for four days, in which case compensation is payable from the date of the disability.

In Alberta, British Columbia, Manitoba and Saskatchewan, no compensation is payable for a disability of three days or less but if the disability lasts for more than three days in Saskatchewan, six days in Alberta and British Columbia or for more than fourteen days in Manitoba, compensation is payable from the date of the disability.

Medical Aid

In addition to cash benefits, the cost of medical aid for injured workmen is borne by the Accident Fund for as long as needed under all the provincial Acts. Alberta ceased to require any contribution from the workpeople to the cost of medical aid at the end of 1943, and British Columbia in 1946. In Quebec, employers who are individually liable for compensation must furnish satisfactory medical aid or they may be ordered to pay for such aid as is procured by the workmen or the Board; in Ontario, the amount must now be paid by such employers through the Board.

In all provinces, medical aid includes medical, surgical, nursing and hospital services. In Ontario, it includes also treatment by persons registered under the Drugless Practitioners Act and in Alberta and Saskatchewan the term includes treatment by any person licensed under provincial law to practise the healing arts. In Alberta, British Columbia and Manitoba the Board has authority to provide transportation for an injured workman. In New Brunswick, the term "medical aid" includes transportation and the Act requires an employer to transport the workman to a hospital, physician or to the workman's home, the cost to be paid for by the Board from the Accident Fund. In Alberta, Manitoba, Nova Scotia, Ontario, Prince Edward Island, Quebec and Saskatchewan, the cost of such transport must be borne directly by the employer. In Nova Scotia and Prince Edward Island, if an employer fails to provide a conveyance he is liable to pay to the Board double the cost of transporting the workman.

The Boards of all provinces provide crutches, artificial limbs and other apparatus for injured workmen. In Manitoba, Nova Scotia, New Brunswick, Ontario, Prince Edward Island and Quebec, workmen are entitled to have such apparatus kept in repair as the

Board deems necessary, and in Alberta, British Columbia and Saskatchewan for as long as disability lasts. Alberta, British Columbia, Manitoba and Quebec provide medicine and in other provinces the cost of these may be included in the term "medical aid". In Alberta, British Columbia, Manitoba, Prince Edward Island and Saskatchewan, the Board may replace and repair dentures, and in Alberta, British Columbia, Manitoba, Nova Scotia and Prince Edward Island, may replace and repair eye-glasses broken by an accident arising out of employment. In New Brunswick, Nova Scotia, Ontario, Prince Edward Island and Quebec, express provision is made for dental treatment, and in Ontario, in permanent total disability cases, for any other treatment, services or attendance necessary as a result of the injury.

In Alberta and British Columbia, the Board is authorized to make a per diem subsistence allowance not exceeding \$2.50 in Alberta and \$3.50 in British Columbia from the Accident Fund to a workman under treatment at a place other than that in which he resides.

As regards the choice of a physician, the statutes in New Brunswick, Ontario and Saskatchewan merely stipulate that a workman must, if required by his employer, submit to a medical examination by a physician chosen and paid by his employer but, except in New Brunswick, only in accordance with the regulations of the Board. The implication is that in the first instance he may choose his own doctor. In Quebec, the present Act expressly states that a workman may select his physician. In Alberta, British Columbia and Manitoba, the Board is authorized to permit the workman to be treated by his own physician and this is the usual practice provided one reasonably near is chosen.

If so required by the Board, a workman in any province must submit to an examination by a medical referee chosen by the Board or to such other examination as the Board requires. In Alberta, in cases of dispute, the Board, after consulting the workman's physician, must nominate two recognized specialists in the class of injury or ailment for which compensation is claimed and the workman may select one of them to conduct the examination. If he fails to make a choice, the Board may make it.

In all provinces the fees for medical aid are fixed by the Board.

Employers' Schemes for Medical Aid

Employers' schemes for medical aid to their workmen may, under all the statutes except that of Ontario, be continued or put into effect if, after considering the wishes of both workmen and employer, the Board deems them to be at least as favourable to the workmen as the provisions of the Act. Such a scheme, approved by the Board and under its supervision, may replace the arrangement

for medical aid in the Act. In Manitoba and New Brunswick, no private schemes have been approved by the Board. The Alberta, New Brunswick, Nova Scotia, Prince Edward Island, Quebec and Saskatchewan Acts stipulate that the employer is entitled to reimbursement out of the Accident Fund or to a reduction in his assessment rate where such a scheme is in force. In British Columbia and Manitoba, the Act states that employers' schemes for medical aid may be approved subject to such conditions as the Board may impose. In New Brunswick, Nova Scotia, Prince Edward Island, Quebec and Saskatchewan, contributions from workmen towards the expense of medical aid are expressly forbidden except as may be permitted under a private arrangement for furnishing medical aid approved by the Board. In Nova Scotia, schemes in the coal industry under which the miners pay the cost through a long-established arrangement with the local doctors have been permitted to continue in consideration of the employers' contributions to miners' relief societies which constitute virtually an insurance plan providing benefits in sickness and for dependants in case of death. In some districts these arrangements for medical treatment were altered so as not to apply to compensation cases.

Seamen

The Dominion Merchant Seamen Compensation Act, 1946, which applies to seamen who are not within the scope of any provincial Workmen's Compensation Act, provides for free medical aid from the date of disability if the injury disables for seven days or more. The Act stipulates, however, that a seaman entitled to medical aid under the Canada Shipping Act is not entitled to medical aid under the 1946 statute for the same period or to the same extent.

In British Columbia, New Brunswick, Nova Scotia and Prince Edward Island, the Workmen's Compensation Act stipulates that seamen on vessels on which duty is payable for the purpose of the Sick Mariners' Fund under Part V of the Canada Shipping Act shall not, during the period for which such duty is payable, receive medical aid under the Workmen's Compensation Act. In British Columbia, however, seamen are eligible under the Workmen's Compensation Act for any additional medical aid which is not furnished under the Canada Shipping Act. Under that Act, all ships arriving at any port in British Columbia, Manitoba, New Brunswick, Nova Scotia, Ontario or Quebec are required to pay a duty for the Sick Mariners' Fund but ships engaged in the coastal trade and fishing vessels are exempt.

First Aid

In all provinces, employers in industries in which it is deemed proper may be required by the Board to maintain such first-aid appliances and service as the Board may direct. In British Columbia, when the employer fails to comply with this provision the

Board may install first-aid appliances and charge the cost of them to the employer. Regulations have been issued in most provinces setting out the minimum first-aid service required to be maintained according to the number of employees.

Rehabilitation

To aid in getting men back to work and in lessening any handicap, a Board may adopt any means considered expedient and pay the cost from the Accident Fund. Except in Alberta and Saskatchewan the maximum amount that may be spent for this purpose in a year is fixed in the statute: \$5,000 in Prince Edward Island; \$15,000 in New Brunswick; \$20,000 in Nova Scotia; \$75,000 in British Columbia; and \$100,000 in Ontario and Quebec. In Manitoba, the cost of vocational training for any workman may be paid from the reserve set aside for his compensation. In Alberta, provision was made in 1948 for the setting up of a reserve fund for the payment of expenses incurred by the Board in re-training and rehabilitation.

Accidents Occurring Outside the Province

In each province, the Act makes some provision for compensation to workmen who are hired by an employer in the province and who are injured in accidents occurring outside its boundaries.

The determining factors are usually the employer's place of business and the residence and usual place of employment of the workman. Although the Acts vary in wording, in general they ensure protection to such workmen and guard against any overlapping.

In Alberta, British Columbia, Ontario and Quebec, compensation is payable, if the place or chief place of business of the employer and the residence and usual place of employment of the workman are in the Province, and, in Nova Scotia and Prince Edward Island, it is payable, if the workman's usual place of employment is in the Province, and employment without the province has lasted less than six months, or in the case of Alberta, twelve months or longer if the Board permits. In Alberta, Nova Scotia, Prince Edward Island and Quebec, however, compensation is only payable in such cases if the law of the place where the accident happened grants no compensation. In Manitoba and Ontario, a workman is eligible for compensation for an accident which occurs while he is temporarily outside the province for some purpose connected with his employment provided that his employer has his place of business within its boundaries and the workman's employment usually causes him to be within the province, and if, in Manitoba, he is a resident of the province or, in Ontario, even if his residence is outside the province.

In Alberta, New Brunswick, Nova Scotia and Saskatchewan, when a workman, who is a resident of the province, is engaged in work which is performed partly within and partly without the province, the work is considered as done in the province and compensation is

payable accordingly. In British Columbia, Manitoba and Ontario, a similar provision relates only to employment on a steamboat, ship or vessel or on a railway but in British Columbia also includes transport by aeroplane, truck, bus or other vehicle. In Quebec, a like provision applies to employment in transport by land or water and in the latter case applies also to a workman hired in the province. In Ontario and Quebec, the provision applies to an accident on a vessel which is either registered in a Canadian port or whose owner or charterer has his home or principal place of business in the province. The Nova Scotia statute stipulates as regards accidents outside the province on a ship registered in Nova Scotia or operated by an employer residing or having his place of business in the province and while the ship is limited to making voyages between Nova Scotia and New Brunswick, Prince Edward Island or Newfoundland, that the employer must apply to have the industry admitted within the Act and must pay the required assessment. Failure to do so makes him personally liable for compensation. The Prince Edward Island Act has a similar section.

In Nova Scotia and Prince Edward Island, an industry carried on outside the province may be declared by the Board, on the application of the employer, to be within the scope of Part I of the Act and compensation is payable to a workman employed in such an industry.

In British Columbia, New Brunswick, Nova Scotia, Ontario, Prince Edward Island, Quebec and Saskatchewan, if an employer fails to include the workmen whose work requires them to go outside the province in the report of his payroll to the Board and an accident occurs to any workman outside the province for which he is eligible for compensation, the employer is individually liable to pay such compensation. The British Columbia, Nova Scotia and Prince Edward Island Boards, however, may exercise their discretion on this point according to the circumstances.

In Ontario, when the employer's place of business is not in the province, provision is made for compensation for accidents occurring outside the province under certain circumstances. If compensation is payable under the law of the place where the accident happened, compensation is not payable in Ontario whether the workman is a resident of the province or not, unless his place of employment is in the province and he was, at the time of the accident, out of the province merely for some casual purpose incidental to his employment.

In Alberta, British Columbia, Nova Scotia, Ontario, Prince Edward Island, Quebec and Saskatchewan, if an accident happening elsewhere than within the province entitles the workman to compensation under the law of another province or country in which the accident occurred as well as under the law of the province, the Act requires him to choose under which law he will claim compensation and to give notice accordingly.

Alberta, British Columbia, Manitoba and Saskatchewan provide for interprovincial agreements to facilitate the handling of cases in which workmen are employed outside the Province. The Alberta Board may enter into an agreement with the Board of any other province to provide compensation for injuries to workmen who are employed under such conditions that part of their work is performed in Alberta and part in another province. The British Columbia Board may make arrangements with the Board of any other province to avoid duplication of assessments where workmen are protected by the laws of two or more provinces and may repay any other Board for any payment of compensation made under such an arrangement. In Manitoba, where a workman's employment requires him to be regularly outside the province, the Board may arrange with the employer and the Board of the other province the premium to be paid to each Board.

In Saskatchewan the Act enables the Board, with the approval of the Lieutenant-Governor in Council, to arrange with the Boards of adjoining provinces with respect to compensation for injuries to workmen whose employment is at one time or season in one province and at another time or season in another, and also with respect to compensation for industrial diseases incurred by workmen whose employment extends across the interprovincial boundary. The Manitoba Act has a similar provision relating to industrial diseases.

Non-resident Workmen and Dependants^A

The question of compensation to workmen or their dependants who reside outside the province is dealt with in all the Acts. In most of the provinces such compensation is granted only on condition that similar benefits are provided for by the law of the country in which the beneficiaries reside. The higher cost of living in Canada compared with trans-Atlantic countries has also been taken into consideration and it is frequently stipulated that the amount of compensation may be adjusted on this basis.

The British Columbia law stipulates that where compensation is payable to persons residing outside of Canada, the Board may award a smaller sum if, in its opinion, dependants can be maintained on such smaller sum in a like degree of comfort as dependants of the same class in Canada. The New Brunswick Act contains a similar provision with respect to dependent aliens residing outside of Canada.

In Quebec, dependants not residing in Canada may be awarded such sum in lieu of compensation as the Workmen's Compensation Commission deems proper.

^A

The question of payment to dependants resident in enemy countries is not dealt with here.

A similar provision to that of Quebec is found in the Ontario and Saskatchewan Acts. The latter statutes, however, while giving to the Board such discretionary power, stipulate, generally, that a dependant who does not live in Canada is not entitled to compensation, unless by the law of the place or country in which he resides, the dependant of a workman to whom an accident happens in that country, if resident in Canada, would be entitled to compensation.

In Manitoba, New Brunswick, Nova Scotia and Prince Edward Island, the section dealing with non-resident dependants is like that in Ontario and Saskatchewan except that in the four first-named provinces, the provision relates to dependants who do not live in the province as well as to non-residents of Canada, and in New Brunswick, Nova Scotia and Prince Edward Island, the clause is permissive only. The Board is given power to order compensation to be paid in such cases. In New Brunswick, the statute requires an order in council to set out that provision is made by other provinces and countries for compensation in respect to workmen of those countries or provinces and benefits are payable to dependants resident in New Brunswick. Such an order in council was approved in February, 1919.

In the three provinces, Manitoba, Ontario and Saskatchewan, compensation awarded to non-resident dependants may not be greater than the amount of compensation that would be payable under the law of the other country if the dependant concerned under that law resided in one of these provinces and in New Brunswick, Nova Scotia and Prince Edward Island, the Board may reduce the compensation in such a case to that payable under the law of the country concerned.

Security for Payment of Compensation

All the provincial statutes provide that compensation shall be paid for accidents within their scope and the province is responsible for the solvency of the Accident Fund.

Default on the part of the employer in making the required returns to the Board or in paying his assessment does not affect the payment of compensation for an accident occurring during the period of default. In such case, the employer is liable, in addition to a penalty, to pay, in Alberta not more than \$300 and in Manitoba not more than \$500, or, in either of these provinces one-half and in the other provinces except Prince Edward Island the full amount or capitalized value of the compensation as the Board determines. The Prince Edward Island Act makes the employer liable, in addition to a penalty, to pay \$100 for each week of default.

In every province where default is made in the payment of an assessment, judgment may be entered on a certificate filed in court by the Board. In Alberta, British Columbia, Manitoba, New Brunswick, Nova Scotia and Prince Edward Island, the Board has right of action against the employer and in Alberta, Ontario and Saskatchewan if an assessment remains unpaid for 30 days the amount may be collected for the Board by the municipality in the same manner as taxes.

In Quebec, assessments have priority over any lien and in British Columbia and Alberta, over any lien except one for wages. In the other provinces where an employer would be entitled to a lien the owner of the property is liable for the assessment or to a penalty if he fails to see that the employer pays it.

All the Acts provide that in the case of the death of the employer or of an assignment or winding up of a company the amount of any assessment or compensation for which the employer was liable shall be included among the debts, such as legal costs, taxes or wages, which, under the provincial statutes governing the distribution of estates in such cases, have priority over other claims against the property of the employer. The Dominion Bankruptcy Act stipulates that, subject to the provincial laws concerning (1) taxes or rates on the property of the debtor and (2) as to rent, and after costs and fees of bankruptcy proceedings are provided for, all wages earned during the preceding three months and any indebtedness under a provincial Workmen's Compensation Act shall have first claim on the property.

Accident Prevention

The Board in each province, except Manitoba, and any person appointed by the Board have authority to inspect the premises of any employer within the scope of the Act to ascertain whether proper precautions are being taken to prevent accidents and whether the safety appliances or safeguards required by law are being used. In Manitoba the provincial Department of Labour is responsible for accident prevention work.

In Alberta, British Columbia and Saskatchewan, the Board may determine the measures to be adopted or the safety devices to be installed for the prevention of accidents and diseases, making general or special rules for that purpose. Before adopting such rules, the British Columbia Board must arrange for them to be considered at a public hearing of which ten days' notice must be given and the Saskatchewan Board may hold a conference with a committee consisting of not more than five employers and an equal number of workmen in the industries affected by the regulations. In British Columbia and Saskatchewan, the Board may maintain museums for the exhibition of safety devices, publish and distribute bulletins on accident prevention, arrange for lectures on the causes and prevention of industrial accidents and diseases and appoint advisory committees on which employers and workmen are represented to assist the Board in establishing standards of safety and to recommend rules for that purpose. Safety regulations have been made by the Boards of both Alberta and British Columbia. In Alberta and British Columbia, an accident prevention committee must be organized in every plant employing, in Alberta, 10 or more workmen, or in British Columbia 25 or more.

In New Brunswick, Nova Scotia, Ontario, Prince Edward Island and Quebec, associations of employers, and in Saskatchewan associations of employers and workmen, in any of the classes into which they are divided for purposes of assessment may make rules for accident prevention. In New Brunswick and Nova Scotia one accident prevention association covers the province. In Ontario and Quebec, certain classes are organized separately, construction, pulp and paper, lumbering, mining and electrical work in Ontario and pulp and paper, lumbering and public utilities in Quebec. Employers in other classes in each province are associated in one body.

If the Nova Scotia and Prince Edward Island Boards approve the rules, they become binding upon all employers in the class or classes whether members of the association or not. In New Brunswick, Ontario, Quebec and Saskatchewan, if the Board considers the association to be sufficiently representative of the employers affected and approves their rules, they become binding if they are approved also by the Lieutenant-Governor in Council. Where an association appoints safety inspectors, the Board in any of these provinces may pay the whole or part of their salaries out of the Accident Fund. A special grant may also be made towards the expenses of an association. Monies paid by the Board, under these provisions, are to be charged to the classes represented by the association concerned.

In Alberta and British Columbia, if the Board considers that an accident is due to the inexcusable failure of an employer to comply with the regulations or with the directions of the Board, it may, in British Columbia, collect from the employer the amount of the compensation payable, not exceeding \$300 in any case, and in Alberta, a sum not exceeding one-half of the amount of compensation payable. The Alberta Board may increase the assessment of an employer if it considers that precautions against accidents are not sufficient or that working conditions are not safe.

In British Columbia and Manitoba, where an industry is so circumstanced or conducted that the hazard is either greater or less than the average of the class to which the industry belongs, the Board may fix a higher or lower rate according to the hazard. In New Brunswick, the rate may be increased where the hazard is greater than the average of the class owing to the manner in which the industry is carried on.

The Acts of all provinces except Prince Edward Island permit the Board to adopt a system of merit or experience rating. Moreover, in Ontario, Quebec and Saskatchewan, if the accident record is high in any industry and if proper precautions are not taken or if the machinery, appliances, etc., are defective or inadequate, the Board may increase the employer's assessment so long as such conditions exist, or the Board may exclude the industry from the class in which it has been placed and make the employer individually liable for compensation.

Conventions and Recommendations
of the International Labour
Conference

Accidents

The International Labour Conference at its 1925 Session adopted three Conventions and four Recommendations concerning workmen's compensation. The 1925 Convention (No. 18) concerning compensation for occupational diseases was revised in 1934 (No. 42) to cover additional diseases.

The Convention (No. 17) relating to industrial accidents requires that workmen's compensation laws shall apply to all workmen, employees and apprentices employed in a public or private undertaking with the exception, where deemed desirable by the legislature, of casual workers employed otherwise than for the purposes of the employer's business, out-workers, members of the employer's family working exclusively for and residing with him, and non-manual workers whose remuneration exceeds a limit determined by national legislation.

The Convention does not apply to agriculture, which is covered by a 1921 Convention, nor to seamen or fishermen, nor to persons covered by special schemes whose terms are not less favourable than those of the Convention.

The Convention requires compensation, in fatal and permanent disability cases, to be paid periodically except where the authorities are satisfied that a lump sum will be properly used. Compensation must be payable from not later than the fifth day after the accident and additional compensation must be given where the injured person requires the constant help of another person. A workman is entitled to medical, surgical and pharmaceutical aid, and to the supply and normal renewing of artificial limbs and surgical appliances or to a money payment in place of them. Provision must be made to ensure the payment of compensation in the event of the employer or insurer becoming insolvent.

The Convention leaves each country free to determine whether compensation shall be payable directly by the employer or by an accident or sickness insurance institution.

This Convention has been ratified by 21 States. It can be ratified by Canada only if the Dominion, provincial and territorial laws comply with its standards. The most outstanding differences are in scope. The Convention includes domestic servants which are nowhere included in Canada. It applies also to industrial undertakings irrespective of the number employed, to commercial establishments, such as shops, hotels, restaurants, places of amusement, banks and offices of various kinds, to hospitals and other institutions of a commercial or of a non-profit nature.

The scope of the Canadian Acts is set out on p. 9.

Agriculture

Convention (No. 12), adopted at the 1921 Session of the Conference, requires all agricultural wage-earners to be included within the scope of workmen's compensation. This Convention has been ratified by 23 countries including the United Kingdom and New Zealand.

In Canada, farm workers are not compensatable except to a very small extent in Alberta. However, in several provinces agricultural workers may be brought within the scope of the Act either by regulation of the Board or by order in Council, (p.11).

Occupational Diseases

The 1925 Convention providing for compensation for poisoning by lead or its alloys or compounds, poisoning by mercury or its amalgams and compounds, and for anthrax infection was ratified by 30 States. The 1934 Convention has been ratified by 18 States, including the United Kingdom.

This Convention requires compensation to be paid in case of death or disability from any of the specified diseases in accordance with the general principles of the legislation providing for compensation for industrial accidents and at rates not less than those prescribed for accidental injury. In addition to the three diseases specified above, the 1934 Convention applies to silicosis, poisoning by phosphorus or arsenic or their compounds, poisoning by benzene or its homologues and their nitro and amino-derivatives or by the halogen derivatives of hydro-carbons of the aliphatic series, pathological manifestations due to radium or other radio-active substances or to X-rays, and primary epitheliomatous cancer of the skin.

Only Ontario and Saskatchewan provide compensation for all these diseases. For the diseases compensatable in each province, (see p. 28).

A Recommendation (No. 24) of the 1925 Conference is to the effect that each State should adopt a simple procedure for revising the list of diseases for which compensation is payable. In Canada, all provinces may add to the list by regulation of the Workmen's Compensation Board.

Minimum Scale of Compensation

The Recommendation (No. 22) concerning the Minimum Scale of Workmen's Compensation proposes for permanent total incapacity a periodical payment equal to two-thirds of the workmen's annual earnings and in case of temporary total incapacity a daily or weekly

payment equivalent to two-thirds of the workmen's basic earnings as calculated for purposes of compensation. In case of permanent or temporary partial incapacity, the benefit proposed is a proportion of the periodical payment due in the event of permanent or temporary total incapacity, respectively calculated in reference to the reduction in earning power.

Where periodical payments are made, the maximum yearly total paid to all dependants should not be less than two-thirds of the annual earnings of the deceased workman. Where compensation is paid in a lump sum, the maximum payable to all dependants should not be less than the capitalized value of periodical payments equivalent to two-thirds of the annual earnings.

The Recommendation further proposes that provision be made for the vocational re-education of injured workmen and institutions which undertake such re-education should be encouraged by the Government.

Those entitled to be regarded as dependants under the Recommendation include at least the consort, children under 18 and invalid children over that age, dependent grandchildren and brothers and sisters within the same age-limits, and dependent parents and grandparents.

In the Canadian provinces compensation is payable on at least as high a scale except that in all provinces a limit is placed on the maximum earnings which may be taken into account when calculating compensation. Further, compensation is normally paid only in respect of children under 16 except in Alberta, New Brunswick, and Quebec where the normal age is 18. In New Brunswick, however, payments cease if the child does not attend school up to 18 years. Exceptions are made for invalid children in all provinces and in British Columbia, Manitoba, Nova Scotia, Ontario, Prince Edward Island and Saskatchewan, for children continuing their education up to 18 years of age.

Equality of Treatment for National and Foreign Workers

The Convention (No. 19) concerning Equality of Treatment for National and Foreign Workers as regards Workmen's Compensation for Accidents has been ratified by 38 countries, including the United Kingdom.

This Convention requires each State which ratifies it to grant to the nationals of any other State which ratifies the Convention the same treatment in regard to compensation for accidents happening in its territory as it accords to its own nationals. This treatment is to be given to foreign workers and their dependants without any conditions as to residence. Special arrangements between the States concerned are to regulate, if necessary, the payments to be made outside the territory of any

Member State. Agreements may be made between Member States providing that compensation for accidents happening to workers who are temporarily or intermittently employed in the territory of one Member, on behalf of an undertaking situated in the territory of another Member, shall be governed by the laws of the latter Member State.

The Canadian provisions relating to Equality of Treatment are stated on page 20.

The Recommendation (No. 25) on the same subject is to the effect that measures should be taken to facilitate the payment of compensation to foreign workers, and that in case of dispute concerning the non-payment or reduction of compensation due to a person residing elsewhere than in the territory where his claim originated, facilities should be afforded for taking legal proceedings in such territory without requiring the attendance of the person concerned.

Jurisdiction in Disputes

Recommendation No. 23 relates to jurisdiction in disputes concerning workmen's compensation. Since such disputes turn not only on the interpretation of laws and regulations but also on questions of an occupational character requiring a thorough knowledge of working conditions, it is recommended that every dispute relating to workmen's compensation should be dealt with by a special court or board of arbitration comprising, with or without the addition of regular judges, an equal number of employers' and workers' representatives nominated or appointed to act as adjudicators by their respective organizations or elected by bodies of employers and workmen. Where such disputes are dealt with by ordinary courts of law, the courts should be required to hear employers' and workers' representatives as experts in cases involving questions of an occupational character and, in particular, the question of degree of incapacity.

Occupational Diseases

The following table shows the diseases for which compensation is payable under the Workmen's Compensation Acts by provinces but in Ontario since 1947 any disease peculiar to an industrial process or occupation is to be compensated:

Anthrax)	
Arsenic poisoning or its sequelae)	
Lead poisoning or its sequelae	)	All provinces
Mercury poisoning or its sequelae)	
Phosphorus poisoning or its sequelae)	
Ammonia poisoning or its sequelae	)	New Brunswick, Prince
	)	Edward Island, Saskatchewan
Ankylostomiasis	)	British Columbia, Manitoba,
	)	Newfoundland, Nova Scotia,
	)	Ontario, Saskatchewan
Asbestosis	)	British Columbia, Quebec
Asthma and respiratory irritation due)	
to exposure to organic or fibrous)	
dusts, as in handling grain, furs,	)	British Columbia
feathers, cedar, mahogany, wool,)	
rock-wool, asbestos or wood)	
Benzene (benzol) poisoning and	)	Alberta, British Columbia,
poisoning by its homologues, nitro and	)	Manitoba (munition making),
amino-derivatives, anilin and others	)	Newfoundland, Ontario,
	)	Quebec, Saskatchewan
Brass, zinc or nickel poisoning or its	)	Newfoundland, New Brunswick,
sequelae	)	Ontario, Quebec,
	)	Saskatchewan
Bronchitis and pulmonary oedema)	
in any process using oxyacetylene	)	British Columbia
or electric arc for cutting or welding)	
Bursitis (see also Cellulitis)	)	Newfoundland, Ontario,
	)	Quebec, Saskatchewan
- acute, elbow	)	British Columbia,
	)	Newfoundland, New
	)	Brunswick, Nova Scotia
- prepatellar	)	British Columbia, New
	)	Brunswick
Cadmium poisoning	)	Ontario, Quebec,
	)	Saskatchewan

Cancer, epitheliomatous, or ulceration of the skin or cornea due to tar, pitch, bitumen, mineral oil or paraffin, or any compound, product or residue of any such substance	) ) ) ) )	Newfoundland, Nova Scotia, Ontario, Prince Edward Island, Saskatchewan
Carbon bisulphide poisoning or its sequelae	) ) ) )	British Columbia, Newfoundland, New Brunswick, Ontario, Prince Edward Island, Saskatchewan
Carbon dioxide poisoning or its sequelae	) )	Newfoundland, New Brunswick, Ontario, Saskatchewan
Carbon monoxide poisoning or its sequelae	) ) ) )	British Columbia, Newfoundland, New Brunswick, Ontario, Quebec, Saskatchewan
Cellulitis, subcutaneous, hand	) )	Alberta, British Columbia, Newfoundland, Nova Scotia
- -, - -, patella	) )	British Columbia, Newfoundland, Nova Scotia
Chlorinated hydro-carbons (carbon tetrachloride, trichlorethylene, tetrachlorethane, trichloronaphthalene and others), poisoning by or its sequelae	) ) ) ) )	British Columbia, Ontario, Quebec, Saskatchewan
Chlorine poisoning	)	Saskatchewan
Chrome poisoning	) )	Newfoundland, Ontario, Quebec, Saskatchewan
Chromium and its compounds, dermatitis in any process using	) )	British Columbia
Circulatory disturbances of the extremities in any process involving muscular effort at low temperatures or handling cold materials	) ) ) )	British Columbia
Compressed air illness	) ) )	British Columbia, Newfoundland, New Brunswick, Ontario, Quebec, Saskatchewan
Conjunctivitis from exposure to dust from spices, dust, heat, gases, fumes, vapours, mists or smoke	) ) )	British Columbia

[illegible]

Poisoning in any process where there is exposure to methyl chloride	)	British Columbia
)	
Poisoning caused by chemicals used in the painting industry	)	New Brunswick
)	
Pulmonary and respiratory irritation from exposure to vapours, mists or dust	)	British Columbia
)	
Respiratory disorders due to materials in non-offset sprays in printing industry	)	Ontario
)	
Rhinitis from contact with allergens or chemical vapours or dust	)	British Columbia
)	
Seal finger in handling seals or seal products	)	Newfoundland
)	
Silicosis	)	New Brunswick, Nova Scotia,
	)	Prince Edward Island
Silicosis in mining	)	Newfoundland, Ontario
)	
Silicosis in mining and in iron, steel and metal foundries	)	Manitoba
)	
Silicosis in mining, quarrying, cutting, crushing, grinding or polishing of stone, or grinding or polishing of metal (also smelting of metal - Quebec)	)	Alberta, Quebec,
	)	Saskatchewan
)	
Silicosis in steel-sharpening in metalliferous-mining; grinding, repairing or handling tools or machinery in mine operations; ore-crushing or rock-crushing; or any work in mining where there is exposure to silica dust	)	British Columbia
)	
Silicosis in making pottery	)	Quebec
)	
Stone workers' or grinders' phthisis	)	Newfoundland, Ontario,
	)	Saskatchewan
)	
Sulphur poisoning or its sequelae	)	New Brunswick, Prince
	)	Edward Island
)	
Sulphur or sulphur gases, dermatitis from contact with	)	British Columbia
)	
Sulphuric, hydrochloric or hydrofluoric acid, poisoning by	)	Saskatchewan
)	

Tooth-erosion due to exposure to acid fumes or mist	)	British Columbia
)	
Tuberculosis, pulmonary, from employment in hospitals, sanatoria or clinics under the Act	)	British Columbia
)	
Ulceration of mucous membrane of the throat and nose due to exposure to acid fumes or mist	)	British Columbia
)	
Undulant fever	)	British Columbia
)	
Vascular disturbances in the extremities due to continuous vibration of machines or power tools (in Saskatchewan, upper extremities)	)	British Columbia,
	)	Saskatchewan
)	
Wood alcohol, poisoning by	)	British Columbia,
	)	Saskatchewan
)	
X-rays, radium or other radio-active substances, any disease due to	)	Ontario, Quebec (ulceration or malignant disease),
	)	Saskatchewan
)	
X-rays, cutaneous, circulatory, or blood-cell lesions or endocrine change, from any X-ray apparatus in industry or in hospitals under the Act	)	British Columbia
)	
)	

Scale of Compensation

The table shows the benefits payable. Periodical payments may be commuted for a lump sum on certain conditions. In all provinces compensation is paid in respect of a foster-mother at the same rate as to a widow with one or more children for as long as payments to the children continue.

1. MONTHLY BENEFITS TO DEPENDANTS IN CASE OF DEATH OF WORKMAN

<u>Funeral</u>	<u>Widow or Invalid Widower</u>	<u>C H I L D R E N</u>		<u>Where only dependants are other than consort & child</u>	<u>Maximum</u>
		<u>With Parent</u>	<u>Orphans</u>		
<u>PRINCE EDWARD ISLAND</u>					
\$100	\$40 plus sum of \$100	Under 16, \$10 each ¹ Maximum to consort and children, \$80	Under 16, \$20 each ¹ Maximum \$80	Sum reasonable and in proportion to pecuniary loss. Maximum to parent or parents, \$30. Maximum in all, \$45 ²	2/3 of earnings ³
<u>NOVA SCOTIA</u>					
\$150	\$50 plus sum of \$100	Under 16, \$12.50 each. ¹ Maximum to consort and children, \$100	Under 16, \$22.50 each. ¹ Maximum \$90	As in P.E.I.	2/3 of earnings ³
<u>NEW BRUNSWICK</u>					
\$150 ⁴	\$40 plus sum of \$100	Under 18, if attend- school, \$10 each ¹	Under 18, if attend- ing school, \$20 each ¹	Sum reasonable and in proportion to pecuniary loss ²	2/3 of earnings ³
<u>QUEBEC</u>					
\$175	\$45 plus sum of \$100	Under 18, \$10 each ¹	Under 18, \$15 each ¹	As in N.B.	2/3 of earnings. Minimum \$55 to consort and one child, \$65 if more ³
<u>ONTARIO</u>					
\$125	\$50 plus sum of \$100	Under 16, \$12 each ¹	Under 16, \$20 each ¹	As in N.B. Maximum \$100	Average earnings. Minimum of \$50 to consort, \$12 to each child or \$20 to orphan child un- less total benefits exceed \$100 ³

1. In Manitoba, Nova Scotia, Ontario, Prince Edward Island and Saskatchewan payments to children may be made up to 18 years if desirable to continue education. In Alberta, New Brunswick, Nova Scotia, Ontario, Prince Edward Island, Quebec and Saskatchewan payments to invalid children are continued so long as Board considers workman would have contributed to support. In British Columbia and Manitoba, payments are continued until recovery.

2. In all provinces compensation in these cases is continued only so long as Board considers workman would have contributed to support.

3. For maximum earnings that may be reckoned, see Table 2, Column 5.

4. For cost of transporting body from place of death to place of interment, \$125 may be paid in Ontario and in New Brunswick, and in British Columbia \$100 may be paid for transportation to a point within the province. In Manitoba \$100 may be paid for transportation.

2. BENEFITS IN CASE OF DISABILITY

<u>PERMANENT</u>		<u>TEMPORARY</u>		<u>Maximum Earnings Reckoned</u>
<u>Total</u>	<u>Partial</u>	<u>Total</u>	<u>Partial</u>	
<u>PRINCE EDWARD ISLAND</u>				
2/3 of earnings. Minimum \$12.50 per wk. or earnings, if less.	2/3 of difference in earnings before and after accident. If disability 25% or more, minimum as in total disability in proportion to disability. ¹	2/3 of earnings for duration of dis- ability. Minimum \$12.50 per wk. or earnings, if less.	2/3 of difference in earnings before and after accident for duration of disability. ^{1,2}	\$2,500 per annum.
<u>NOVA SCOTIA</u>				
2/3 of earnings. Minimum \$15 per wk.	2/3 of difference in earnings before and after accident. If disability 25% or more, average earnings must be taken as not less than \$18.75 per wk. ¹	2/3 of earnings for duration of dis- ability. Minimum \$12.50 per wk. or earnings, if less.	2/3 of difference in earnings before and after accident for duration of disability. ^{1,2}	\$2,500 per annum.
<u>NEW BRUNSWICK</u>				
Average earnings but not in excess of 2/3 of \$2,500	Amount determined by Board. Lump sum may be given.	2/3 of earnings for duration of disability. Minimum \$12.50 per wk. or earnings, if less.	If earning capacity diminished by more than 10%, 2/3 of difference in earn- ings before and after accident for duration of dis- ability.	\$2,500 per annum.
<u>QUEBEC</u>				
2/3 of earnings. Minimum \$15 per wk. or earnings, if less.	2/3 of difference in earnings before and after accident. ^{1,2}	2/3 of earnings for duration of dis- ability. Minimum \$15 per wk. or earnings, if less.	2/3 of difference in earnings before and after accident for duration of disability. ^{1,2}	\$2,500 per annum.

1. If earning capacity is diminished 10% or less, a lump sum may be given.
2. The minimum payable in case of partial disability is the same proportion of the minimum for total disability (see preceding column) as impairment is of full earning capacity.

<u>PERMANENT</u>		<u>TEMPORARY</u>		<u>Maximum Earnings Reckoned</u>
<u>Total</u>	<u>Partial</u>	<u>Total</u>	<u>Partial</u>	
<u>ONTARIO</u>				
Based on impaired earning capacity estimated from nature and degree of injury but not to exceed 75% of earnings. ³ Minimum \$100 per month or earnings, if less.	Based on impaired earning capacity estimated from nature and degree of injury. If more equitable, 75% of difference in earnings before and after accident. ^{1,2,3}	75% of earnings for duration of disability. ³ Minimum \$15 per wk. or earnings, if less.	75% of difference in earnings before and after accident for duration of disability. ^{1,2,3}	\$3,000 per annum. ³
<u>MANITOBA</u>				
2/3 of earnings. Minimum \$15 per wk. or earnings, if less.	2/3 of difference in earnings before and after accident. ¹	2/3 of earnings for duration of disability. Minimum \$12.50 per wk. or earnings, if less.	2/3 of difference in earnings before and after accident for duration of disability. ¹	\$2,500 per annum.
<u>SASKATCHEWAN</u>				
75% of earnings. ⁴ Minimum \$15 per wk.	Proportion of 75% of earnings based on impaired earning capacity estimated from nature and degree of injury, or if more equitable, 75% of difference in earnings before and after accident. ^{1,2}	75% of earnings for duration of disability. Minimum \$15 per wk. or earnings, if less.	Proportion of 75% of earnings based on impaired earning capacity estimated from nature and degree of injury, or if more equitable, 75% of difference in earnings before and after accident for duration of disability. ^{1,2}	\$3,000 per annum.

1. If earning capacity is diminished 10% or less, a lump sum may be given.
2. The minimum payable in case of partial disability is the same proportion of the minimum for total disability (see preceding column) as impairment is of full earning capacity.
3. Effective January 1, 1950.
4. Where compensation to workman with dependants would be less than \$1,200 a year, Board may increase compensation in respect of dependants by specified monthly amounts. In such cases, total amount payable may not exceed \$1,200 a year.

PERMANENT

TEMPORARY

Maximum
Earnings
Reckoned

Total

Partial

Total

Partial

ALBERTA

2/3 of earnings.
Minimum \$15 per
wk. or earnings,
if less.

Proportion of 2/3 of
earnings based on
impaired earning
capacity.¹

2/3 of earnings
for duration of
disability.
Minimum \$15 per
wk. or earnings,
if less.

Proportion of 2/3
of earnings based
on impaired earn-
ing capacity for
duration of dis-
ability.

\$2,500 per
annum.

BRITISH COLUMBIA

2/3 of earnings.
Minimum \$12.50
per wk. or
earnings, if
less.

2/3 of difference
in earnings before
and after accident
or may be based on
impaired earning
capacity.

2/3 of earnings
for duration of
disability.
Minimum \$12.50
per wk. or
earnings, if
less.

2/3 of difference
in earnings before
and after accident
or may be based on
impaired earning
capacity for
duration of dis-
ability.

\$2,500 per
annum.

1. If earning capacity is diminished 10% or less, a lump sum may be given.

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WORKMEN'S COMPENSATION IN CANADA

A COMPARISON OF PROVINCIAL LAWS

November, 1950

DEPARTMENT OF LABOUR OF CANADA
LEGISLATION BRANCH

HON. MILTON F. GREGG,
MINISTER

A. MACNAMARA, C.M.G., LL.D.,
DEPUTY MINISTER

NOVEMBER, 1950



C O N T E N T S

	<u>Page</u>
Introduction	1
Changes in 1950	2
Individual Liability	5
Dominion Government Employees	7
War Veterans	7
Blind Workmen	7
Workmen's Compensation Boards	8
Cost of Administration	8
Scope of Laws	9
Farm Labourers and Domestic Servants	12
Clerical and Casual Workers and Outworkers	12
Seamen	13
Risks Covered	14
Occupational Diseases	14
Waiting Period	15
Medical Aid	16
First Aid	18
Rehabilitation	18
Accidents Occurring Outside the Province	19
Non-resident Workmen and Dependants	21
Security for Payment of Compensation	22
Accident Prevention	23
International Labour Conventions and Recommendations ...	24
Occupational Diseases Compensated by Provinces	25
Scale of Compensation	35

WORKMEN'S COMPENSATION IN CANADA

A Comparison of Provincial Laws in November, 1950.

Introduction

In all the Canadian provinces there is a statute providing that, in any industry to which the Act or the main part of it applies, compensation shall be paid for personal injury to a workman by accident arising out of and in the course of employment or by an occupational disease specified in the Act or regulations except where the workman is disabled for less than a stated number of days or where the injury is attributable to his serious and wilful misconduct and does not result in death or serious disablement.

To ensure that this obligation shall be met, the Acts of all provinces provide for an Accident Fund administered by a provincial board to which employers are required to contribute. At any time a special assessment may be levied on employers to take care of compensation payments and in some provinces the money may be advanced from the provincial Treasury and repaid later from assessments. In all cases the province is responsible for the solvency of the Fund.

The right to compensation is not affected by the employer's neglect or refusal to furnish information or to pay his assessment or by his insolvency. A workman in an industry to which these provisions apply has no right of action against his employer for injury received in the course of employment.

This State system of workmen's compensation is one of collective liability on the part of employers. Industries are classified according to their hazard and each class is liable for the cost of accidents occurring in their class although for the purpose of compensation the Accident Fund is one.

In all provinces but Prince Edward Island this compulsory State system of collective liability replaced a system of individual liability as provided for in earlier statutes, but an individual liability Act is still in force to some extent in Saskatchewan. The Newfoundland Workmen's Compensation Act, which was enacted in 1950 to replace an Act of the individual liability type, has not yet been proclaimed in effect. The collective liability system of State insurance was adopted in Ontario in 1914 following a comprehensive report on employers' liability for accidents by a special commissioner appointed to inquire into the subject. Nova Scotia followed Ontario's example with variations in some points in 1915, British Columbia in 1916, Manitoba in 1916 in respect to collective liability but not State insurance until 1920, Alberta and New Brunswick in 1918, Saskatchewan in 1929 and Quebec in 1931. Amendments have been made in all these statutes from time to time. In New Brunswick, a new Act was passed in 1932, Nova Scotia revised

its Act in 1938, and Alberta in 1943 and again in 1948. Prince Edward Island enacted its first Workmen's Compensation Act in 1949. The statutes in Saskatchewan, Quebec and New Brunswick have followed closely the Ontario Act in many respects and in the other provinces, too, there has been an increasing tendency towards uniformity in recent years.

Only the main points of the legislation are covered in this analysis. The scale of benefits and the occupational diseases which are compensated are set out in tables at the end. A summary of the provisions of the Conventions and Recommendations of the International Labour Conference on workmen's compensation permits a comparison between I.L.O. standards and the provincial statutes.

Changes in 1950

In 1950, besides the enactment of a new Act in Newfoundland, amendments were made to the Acts of Manitoba, Nova Scotia, Ontario, Prince Edward Island and Saskatchewan.

The Newfoundland Act follows closely the general pattern of earlier provincial compensation statutes providing for compulsory insurance and collective liability. It applies to most of the industries and businesses carried on in the Province. Among those covered are any operations carried on in a factory, logging, rafting of lumber, mining, excavation, road construction, building, engineering, printing, fishing, including seal fishing and whaling, fish handling and processing, canning, automobile repairing, the operation of wholesale and retail stores, laundries, restaurants, theatres, packing houses, coal and lumber yards, hotels (where there are 10 or more bedrooms), commercial or apartment buildings, hospitals, public utilities, the operation of docks, boats, fishing vessels and ferries, navigation, stevedoring, janitor service, transportation, trucking, painting, dyeing and cleaning and others, together with various occupations incidental to these industries.

The Act provides for the appointment of a Workmen's Compensation Board of three members which is authorized to divide these industries into classes, to fix assessment rates appropriate to each class, and to administer the Accident Fund from which compensation and medical aid are to be paid. The scale of benefits payable for death or disability is not set out in the Act but will be fixed by regulations of the Lieutenant-Governor in Council. The "waiting period" under the Act is seven days. Compensation is payable for a large number of occupational diseases. The Workmen's Compensation Board has wide powers in the field of accident prevention and may make general or special regulations for the prevention of accidents and industrial diseases in employments under the Act.

At the 1950 session of the Legislature, an Act to provide for compensation to blind workmen was also enacted in Newfoundland.

In Manitoba, the most important change made was in respect to the definition of "industrial disease" which is now defined, as in Ontario since 1947, to include any disease peculiar to, or characteristic of, a particular industrial process, trade or occupation within the scope of the Act. A further amendment brought "learners" under the Act. Learners are defined as persons who, although not under a contract of service or apprenticeship, become subject to the hazards of an industry under the Act for the purpose of undergoing training stipulated by the employer as a preliminary to employment.

In Nova Scotia, the minimum payment which may be made to a workman who is totally and permanently disabled was increased from \$15 per week to \$75 per month.

In Ontario, an amendment to the Act provided for the deletion from the Act of the three schedules setting out the industries and diseases covered and their re-issue in up-to-date form by regulations. New general regulations incorporating the schedules were issued in July, 1950. The Board, subject to the approval of the Lieutenant-Governor in Council, was empowered to declare any disease to be an industrial disease and to amend Schedule 3 accordingly.

A further amendment provided that in the case of the death of a workman, compensation is payable to his invalid child until the child recovers or dies. Previously, compensation was payable only so long as the Board considered that the workman, had he lived, would have continued to support his child.

The power of the Prince Edward Island Workmen's Compensation Board to take accident prevention measures was increased. The Board was authorized to order an employer to install, within a fixed time-limit, any safety device or appliance which in its opinion is necessary for the prevention of accidents or of diseases. If the Board considers that an accident was due to the employer's failure to comply with the regulations or the directions of the Board, it may levy on the employer a contribution to the Accident Fund not exceeding one-half of the compensation payable in respect of the injury.

Radio broadcasting stations and restaurants were added to the list of industries and occupations covered by Part I of the Act.

Under the Act the minimum weekly compensation for total disability is \$12.50 or the amount of weekly earnings if less than \$12.50. An amendment permits the Board in its discretion to fix compensation on the basis of \$12.50 a week even though average earnings are less than that amount.

In Saskatchewan, benefits were increased and the waiting period was shortened to one day.

Under the Act, as amended, no compensation other than medical aid is payable for an injury that lasts only for the day on which the accident occurs, but if the workman is disabled for any longer time than the day of the accident, compensation is payable from and including the day following the accident.

Telegraph operators were brought within the scope of the Act.

Burial expenses were increased from \$125 to \$175, the amount payable in Alberta and Quebec. Monthly payments to children under 16, where the dependants are a widow or invalid husband and one or more children, were raised from \$12 to \$15, the highest benefit payable in any province except Alberta where a monthly benefit of \$15 is also paid, plus \$10 if a child attends school between 16 and 18 years.

As before, the monthly compensation in fatal cases, exclusive of burial expenses and the lump sum of \$100 paid to a widow, may not exceed the workman's average monthly earnings, and where a reduction has to be made to the amount of average earnings, compensation may not fall below a specified amount, depending on the number of dependants. This minimum, which is \$50 where the only dependant is a widow or invalid husband, was increased by the 1950 amendment from \$62 to \$65 where the dependants are a widow or widower and one child, and from \$70 to \$75 where dependants are a widow or widower and two or more children.

In permanent total disability cases, the minimum weekly benefit payable was increased from \$15 to \$20. For permanent partial disability, a distinction was made depending on whether the disability is more or less than 50 per cent. If more than 50 per cent, the minimum payment is a proportion of \$20, depending on the percentage of impairment of earning capacity; if less than 50 per cent, a proportion of \$15.

The Saskatchewan Board was further empowered to pay for the removal of infected teeth or tonsils where the infection can be assumed to hinder an injured workman's recovery, and for the replacement and repair of eyeglasses or artificial eyes broken in an accident. The Board's powers were also widened with respect to the payment of compensation following an operation for hernia.

A change with respect to the payment of compensation to a common law wife if there is no widow makes a common law wife eligible for compensation if she has been maintained by a workman for five years and has borne him children or for seven years if there are no children. Previously, to be eligible for compensation, she must have been maintained by the deceased workman for seven years before his death and have borne him one or more children.

Individual Liability

A Saskatchewan Act of 1911, under which the employer was individually liable and might insure his risk in a private insurance company, was superseded with respect to most industrial workers by the statute providing for collective liability but the earlier law remains in effect with respect to certain classes of workers. The Workmen's Compensation (Accident Fund) Act does not apply to men in train service but members of the unions in which these workers are organized may be brought within its scope if a majority of the members indicate by ballot their desire to that effect. The members of the Brotherhood of Locomotive Firemen and Enginemen came under this Act on April 1, 1948.

In this analysis the expression "Workmen's Compensation Act" when used with respect to Saskatchewan refers only to the later collective liability statute.

In Nova Scotia, Part III of the Act provides that compensation for accidents to persons employed in fishing or dredging shall be paid by the employer, who is required to insure to the extent of his liability with an insurance company. Compensation in these industries does not include medical aid or burial expenses but in other respects is on the same scale as in other industries. Payment, however, is enforced by an action in the courts and the Workmen's Compensation Board is not concerned with it. The employer is not liable where the workman or dependants are entitled to compensation under the War Measures Act or Regulations.

In Ontario and Quebec, public authorities and certain corporations such as railways, shipping, telephone and telegraph companies are themselves liable to pay compensation but the amount and all other questions are determined by the Workmen's Compensation Board as in the case of accidents for which compensation is paid from the Accident Fund. Such corporations contribute their proportion of the cost of administering the Act as do also the Dominion and Provincial Governments. The individual liability of these public bodies and corporations is to be sharply distinguished from that of the railway companies under the earlier statute in Saskatchewan and from that provided for in Part II of the Act of certain provinces.

In British Columbia, Manitoba, Newfoundland, New Brunswick, Ontario and Prince Edward Island, the Workmen's Compensation Act is divided into two Parts. In Nova Scotia, as indicated above, there are three Parts. Part II of these seven statutes applies to industries to which Part I, providing for a provincial system of collective liability, does not apply. It is stipulated in Part II that a worker in an industry which is not within the scope of Part I of the Act, that is, not within the system of collective liability or of personal liability in the case of certain large employers in Ontario as administered by the Workmen's Compensation Board, has right of action against his employer for injury received in an accident caused by any defect in the machinery or plant of the employer or caused by his negligence or that of any persons employed by him. The fact that

the worker continued in the employment with the knowledge of any defect or negligence is not a bar to the recovery of damages. Negligence on the workman's part may be a factor in determining the amount of damages. Thus, the workers in industries outside the workmen's compensation scheme, under which all accidents occurring to workmen within the scope of the scheme and arising in the course of employment are compensated without recourse to the law courts, are protected in some measure by the adoption of these principles which distinguish employer's liability from workmen's compensation and from the common law.

In the Yukon Territory, an Ordinance of 1917 applies to undertakings employing five or more workmen and to injuries causing death, or disability for 3 days or longer. An amendment of 1939 provides for compensation also for silicosis, infected blisters and poisoning from lead, arsenic and mercury. Disputed claims are settled by the Territorial Court. Compensation is \$5,000 in case of death, with \$750 for each child under 16, the total not to exceed \$8,600; \$6,000 for permanent total disablement; and fixed sums for other injuries.

Under the Ordinance, as amended in 1950, compensation for temporary total disability is a weekly payment of 66 2/3 per cent of the workman's average daily wages and for temporary partial disability 66 2/3 per cent of the difference in average earnings before and after the accident. Compensation in either case is payable for the duration of the disability up to a maximum period of 12 months.

Further amendments require employers in the Yukon Territory, as in the Northwest Territories, to carry accident insurance for their workmen in an approved company, unless they have made other arrangements satisfactory to the Commissioner. For failure to enter into a contract of insurance an employer is liable to a fine and may also be refused a licence to carry on business.

The Northwest Territories Workmen's Compensation Ordinance requires employers to obtain accident insurance for their workmen in an approved company. If an employer fails to enter into a contract of insurance, he is liable to a fine not exceeding \$500, and, in addition, the Commissioner of the Northwest Territories may refuse to grant him a licence to carry on business or may cancel a licence if already granted. Exemption from the Ordinance is to be granted only if other arrangements satisfactory to the Commissioner have been made. The industries covered by the Ordinance and the industrial diseases for which compensation is payable were set out by regulations issued in February, 1949. With some exceptions, these are similar to the industries and diseases covered by the British Columbia Workmen's Compensation Act.

Dominion Government Employees

The Dominion Government Employees Compensation Act, 1947, which repealed an Act passed in 1918, provides that Dominion Government employees or their dependants shall be paid the same compensation, including medical and hospital expenses, as persons employed by private employers would receive under the Act of the province in which the accident occurs. The amount of compensation is determined by the provincial Board and paid by the Dominion Government. Under this statute, all Dominion Government employees are eligible for compensation for accidents arising out of their employment, whether or not persons in that class of employment would be eligible under the provincial Act concerned. Officers and employees of Crown Companies may be declared by Order in Council to be "employees" under the Act.

War Veterans

A policy adopted by the Dominion Government in 1921 to encourage the industrial employment of war veterans has been continued in force with modifications from time to time. Under this scheme, the Dominion Department of Veterans Affairs is authorized to reimburse the Workmen's Compensation Board concerned, or an employer who is individually liable to pay compensation, for all or part of the cost of compensation paid, including medical aid, burial expenses and other payments, with respect to an industrial accident suffered by a war veteran who is in receipt of a pension for disability of 25 per cent or more. Payment is made on receipt of a certificate from the Board or employer, setting forth the compensation paid. Reimbursement is not made in respect of an accident where compensation is payable under the Government Employees Compensation Act or any other Act or Order in Council whereby the cost of compensation is borne by the Crown in the right of Canada. The present Order in Council setting forth this policy is P.C. 6221 of December 8, 1949.

Blind Workmen

In Alberta, Newfoundland, New Brunswick, Nova Scotia, Ontario and Saskatchewan there are special statutes, and in Quebec there are special provisions in the Workmen's Compensation Act, dealing with compensation for blind workmen. The Newfoundland Act was passed in 1950 and has not yet been proclaimed in effect. In all these provinces, where compensation for an accident to a blind workman exceeds \$50, the Workmen's Compensation Board, or the employer if he is individually liable, is to be reimbursed from the Consolidated Revenue Fund of the Province, in Ontario for the full amount of such compensation, and in the other six provinces for the amount in excess of \$50, provided that at the time of the accident the workman was employed with the approval of an institute for the blind recognized by the Government of the Province for that purpose.

Workmen's Compensation Boards

Each Workmen's Compensation Act provides for the appointment by the Lieutenant-Governor in Council of an administrative body of three members, five in Quebec, to be called the Workmen's Compensation Board, or in Quebec, Commission. In Manitoba and Saskatchewan, only the chairman is required to devote his whole time to the work.

In Alberta and British Columbia, the term of the members and in Saskatchewan the term of the chairman is ten years but except in Alberta they may be reappointed. In the other provinces the members hold office during good behaviour or, in Newfoundland, Ontario, Quebec and Saskatchewan, during pleasure. In Manitoba, the chairman, and in Nova Scotia, Ontario and Prince Edward Island, all members of the Board must retire on reaching the age of 75 unless otherwise directed by the Lieutenant-Governor in Council. In British Columbia and Newfoundland, a Board member may be retired at 70. The New Brunswick statute does not refer to the tenure of office of members of the Board.

The industries within the scope of each Act except that of New Brunswick are classified by the Act according to accident hazard but the Board may add to these classes or subdivide or rearrange them and may also add to or withdraw industries from such classes. The New Brunswick statute provided that the classification should be made in the first place by the Board and the Prince Edward Island and Newfoundland Acts made similar provision. The Boards have authority to fix assessment rates appropriate to each class with preferential or merit rating in favour of industries with good accident records. They may collect assessments, determine the right to compensation and pay the amount due to workmen or dependants. The Provincial Accident Fund must be so maintained as to be sufficient to meet all claims as they arise. In all these matters, the Boards of Alberta, British Columbia, Manitoba, Newfoundland, Ontario, Quebec and Saskatchewan have exclusive and final jurisdiction but New Brunswick, Nova Scotia and Prince Edward Island allow appeals to the Supreme Court of the province, with permission of a judge of that Court, upon questions of law or jurisdiction.

In case of dispute as to the payment of any assessment or other sum or of failure to pay such sums, any Board may file an order for payment with the clerk of the court specified in the Act, whereupon as an order of the court, it may be enforced like any other judgment.

Cost of Administration

In each province the salaries of Board members and the costs of administration are borne by the Accident Fund. In British Columbia, Manitoba, Nova Scotia, Ontario, Prince Edward Island and Quebec, an annual grant may be made from the Consolidated

Revenue Fund to assist in defraying expenses. In New Brunswick, the Act stipulates that the salaries of Board members and other costs of administration are to be paid from the Consolidated Revenue Fund unless the Lieutenant-Governor in Council orders payment of any portion from the Accident Fund. The Saskatchewan Act authorized a grant not exceeding \$25,000 to assist in organizing the work and meeting initial expenses. In most provinces a grant was made only in the first year for organization, and in those provinces which provided at first for the payment of the salaries of the Board members from the provincial Treasury, the Acts were amended to require them to be paid from the Accident Fund. In no province is any financial assistance now given by the Government to the cost of administration of the Act, but where, as in some provinces, the Board is charged with other duties, the expenses in connection with them are paid by the province. The Newfoundland Act provides that a contribution from moneys voted by the Legislature may be made towards the expenses of administration of the Act, and any sum so paid, not to exceed \$25,000, must be repaid to the Minister of Finance at his request.

In proportion to the accidents to their own employees, however, the Governments of the Dominion and the Province contribute, like other employers who are individually liable, to the cost of administration.

In British Columbia, the Act stipulates that the Chairman's salary may not be less than \$6,000 or more than \$7,500 and the salaries of the other members not less than \$5,000 or more than \$6,000. In the other provinces, the remuneration of Board members is determined by the Lieutenant-Governor in Council. In addition to the salary thus provided for, the Manitoba Act enables the Lieutenant-Governor in Council to authorize the payment to a director giving part-time service of an allowance of \$15 for each meeting of the Board in excess of fifty which he attends in any year.

Scope of Laws

The provincial Workmen's Compensation Acts vary in scope but, in general, they all cover employment, whether by way of manual labour or otherwise, in connection with or incidental to industrial undertakings, including lumbering, mining, quarrying, fishing, manufacturing, printing, engineering and construction, plumbing, painting, decorating and renovating, transport of passengers or freight by rail or water and transport of goods by road, operation of electric power lines, telegraph and telephone systems, waterworks and other public utilities, navigation and operation of boats, tugs and dredges, of power laundries, bakeries, dairies, grain elevators, refrigeration plants or warehouses, freight or passenger elevators and of lumber, wood and coal yards, scavenging and window-cleaning, dyeing and cleaning.

Theatres and places where moving-pictures are exhibited, automobile repair shops and places for the sale of gasoline, oil, etc. are within the scope of the Act in all provinces. Shops are

covered in Alberta, British Columbia, Newfoundland, New Brunswick, Prince Edward Island and Saskatchewan; hotels in Alberta, British Columbia, Newfoundland, New Brunswick, Ontario, Prince Edward Island and Saskatchewan; restaurants in Alberta, British Columbia, Newfoundland, Ontario, Prince Edward Island and Saskatchewan. Hospitals are within the scope of the British Columbia, Newfoundland, New Brunswick, Ontario and Saskatchewan Acts; nursing homes are covered in British Columbia and Saskatchewan. Radio broadcasting stations are included in Alberta, British Columbia, Newfoundland, New Brunswick and Prince Edward Island. The operation of an office building or a building rented for manufacturing is under the Ontario Act, and the maintenance or operation of commercial or apartment buildings is under the British Columbia, Newfoundland and Saskatchewan Acts. Janitors and caretakers are covered in New Brunswick. Transport by air is expressly included in Alberta, British Columbia, New Brunswick, Ontario and Prince Edward Island. In Manitoba, it is included when carried on by certain subsidiaries of the Canadian Pacific Railway Company. In New Brunswick, however, the industry is only included if 200 workers are employed, and in Prince Edward Island, if 100 workers are employed. In Ontario, workers employed in transport of passengers by automobile or trolley coach are covered by the Act if four or more are employed. Transport by bus is also included in Alberta, British Columbia and Saskatchewan.

In British Columbia, employers in practically all industries with the exception of farming are required to protect their workmen under the Act. Among the industries and occupations now covered are wholesaling, ice-harvesting, shipping, marine salvage, trucking, hauling, transfer, messenger or delivery service, funeral undertaking, blacksmithing, the non-industrial construction of buildings having a value of \$2,500 or more, and the operation of such places as golf courses, parks, horse-race courses, ice and roller-rinks, bowling-alleys and billiard-parlours, dance-halls, steam baths and beer-parlours.

There are other variations with respect to miscellaneous industries or occupations. The scope of the Acts is affected, too, through the power given in all provinces but Alberta to exclude small establishments. Some undertakings have been excluded unless more than a specified number are employed, e.g. power laundries and restaurants in Ontario are included only when six or more workers are employed, and repair shops only when at least four are employed. The Nova Scotia Board excludes all undertakings employing less than five persons and the Prince Edward Island Board excludes all those employing less than three persons.

Municipal corporations and boards are deemed to be employers under all the Acts. Municipal police and fire departments are protected in Alberta, British Columbia, Manitoba, Ontario and Saskatchewan and they may be brought within Part I of the New Brunswick, Nova Scotia and Prince Edward Island statutes.

Persons employed by the provincial Government in industries covered by the Act are declared within the scope of the Acts in British Columbia, Manitoba and Quebec. In New Brunswick and Nova Scotia, it is provided that such employees may be brought within the Act and this has been done. In Alberta, Newfoundland, Ontario and Saskatchewan, all provincial Government employees are protected.

In every province, certain classes of workers are declared not to be within the scope of the collective liability system or of personal liability as provided for in Ontario and Quebec. Power is given to the Boards, however, to include industries or workmen not within its scope in the first instance on certain conditions. In all provinces, an industry may be brought under the Act by the Board on application of the employer. Workmen, otherwise excluded, may be declared by the Board to be within the statute in British Columbia, Manitoba, Newfoundland, New Brunswick, Nova Scotia, Prince Edward Island and Saskatchewan if the employer applies for such action. In British Columbia, industries may be admitted by the Board on application of the workmen. In Alberta, any establishment or industry may be so admitted under certain conditions as to particular classes of workers as indicated below. Of its own motion, the Board may bring industries within the Act in Alberta, British Columbia (on such terms and conditions as it deems proper), Manitoba, Nova Scotia, Ontario and Quebec. In Newfoundland, New Brunswick and Saskatchewan, this may be done by the Lieutenant-Governor in Council on recommendation of the Board.

On the other hand, the Board in every province but British Columbia has power to exclude any industry from the Act or, in the case of Manitoba, New Brunswick, Nova Scotia, Ontario and Saskatchewan, from Part I. In Ontario, Quebec and Saskatchewan, such exclusion must be approved by the Lieutenant-Governor in Council, although in Ontario, the Board may exclude any particular trade or occupation from an industry in Part I. As indicated above, undertakings in which not more than a stated number of workmen are usually employed may be excluded by order of the Board in all the provinces except Alberta. In Newfoundland, New Brunswick, Nova Scotia and Prince Edward Island, such undertakings may be readmitted by the Board, while in Manitoba and in Ontario, if an employer or workman in an undertaking so excluded notifies the Board that he wishes to be included, the undertaking must be admitted. In Quebec, only by notification by the employer is the Board required to include the undertaking in the collective liability scheme. In Saskatchewan, application by employer or workman in these cases must be approved by the Board. Regulations made under this authority relate to different industries but the Manitoba Board has not exercised its power to exclude small industries while, on the other hand, in Nova Scotia all industries employing less than five workmen, and in Prince Edward Island those employing less than three, have been placed outside the Act.

Farm Labourers and Domestic Servants

Certain classes of workers, although they are expressly excluded by some of the Acts may, on certain conditions, be admitted. Among these are farm labourers, domestic servants, clerical and casual workers and outworkers.

In Manitoba, Newfoundland, New Brunswick, Nova Scotia, Prince Edward Island and Saskatchewan, the collective liability system is expressly declared not to apply to farm labourers or to domestic servants, while in Ontario and Quebec, the Act excludes the "industry of farming" and domestic service.

In Manitoba, Newfoundland, New Brunswick, Nova Scotia, Prince Edward Island and Saskatchewan, either of these classes, and in Ontario the farming industry, may be admitted to Part I on the employer's application. In New Brunswick and Saskatchewan, they may be brought within Part I by the Lieutenant-Governor in Council on the Board's recommendation. Up to December 31, 1949, 308 farmers in Ontario have brought themselves within the Act.

The Alberta Act applies only to specified industries and domestic service is not mentioned. As to farm workers, the statute provides that farming or ranching may be included by the Board on the application of the employer or of a majority of the employees with the employer's consent. A small number of persons carrying on farm operations together with some other undertaking have had their employees brought within the Act.

The British Columbia Act is declared not to apply to domestic servants. Farming is not among the industries specified in the statute but under the Board's general power to declare industries or undertakings within the Act on the application of either employer or workmen, farm labourers may be brought within it.

Hence, in all provinces, except to a limited extent, farm labourers and domestic servants, or their dependants, have recourse only to an action at common law for damages for accidents arising out of employment.

Clerical and Casual Workers and Outworkers

Clerical workers employed in industries which are within the Act are excluded from Part I of the Manitoba Act unless they are exposed to the hazards of the industry; in the other provinces, they are eligible for compensation.

Casual workers, employed otherwise than for the purpose of the employer's business, and outworkers or persons to whom work is given to be done at home, are outside the scope of the collective liability system in all provinces. In British Columbia, Newfoundland, New Brunswick, Nova Scotia, Prince Edward Island and Saskatchewan,

these two classes may be brought within the scope of the Act under the conditions outlined above (see p.11). In Alberta, casual workers may be brought under the Act on application of the employer or of the majority of the workmen if the employer consents, but outworkers are declared outside the Act.

Seamen

The Merchant Seamen Compensation Act, 1946, applies to seamen on ships registered in Canada or chartered by demise to a resident of Canada or to one whose principal place of business is in Canada provided that the ship is engaged in trading on a "foreign" voyage or on a "home-trade" voyage. The Act may be applied by the Governor in Council to seamen hired in Canada and employed on a ship registered out of Canada but operated by a resident of Canada or a person having his principal place of business in Canada.

Benefits under the Dominion Act include, in a fatal case, \$45 monthly to a widow, with \$10 for each child under 18 years, or \$20 for each orphan child, together with a maximum of \$125 for burial expenses if they are not borne by the employer in accordance with the Canada Shipping Act, and not more than \$125 for transportation and other expenses incurred in transferring the body to the place of interment. Monthly benefits in such cases may not exceed two-thirds of the seaman's average earnings. In case of total disablement, the seaman is entitled to two-thirds of his average earnings and for partial disablement, two-thirds of the difference between his average earnings before and after the accident.

Where benefits are based on average earnings, not more than \$2,500 annual earnings may be taken into account. Medical aid and compensation are payable from the date of disability if the injury disables the seaman for seven days or more.

Seamen are within the scope of the British Columbia, Manitoba, Newfoundland, New Brunswick, Nova Scotia, Ontario, Prince Edward Island and Quebec Acts. Thus, the provisions concerning accidents occurring outside the province are of special interest in this connection(p.19).

During the period for which duty is payable to the Sick Mariners' Fund under the Canada Shipping Act, and seamen are, therefore, eligible for medical aid under specified conditions, the British Columbia, Newfoundland, New Brunswick, Nova Scotia and Prince Edward Island Acts stipulate that medical aid is not payable under their provisions. In British Columbia, however, in 1946 seamen were made eligible under the Workmen's Compensation Act for any additional medical aid not furnished under the Canada Shipping Act. (p.18).

Risks Covered

Where in any employment within the scope of the provincial Workmen's compensation system "personal injury by accident arising out of and in the course of the employment is caused to a workman", compensation is to be paid, including cash payments, medical and surgical aid and hospital and skilled nursing services. But no compensation is payable where the injury.

is attributable solely to the serious and wilful misconduct of the workman unless the injury results in death or serious disablement.

This wording of the Ontario Act is reproduced in the statute of Quebec and, with some slight variation, in Alberta. In British Columbia, Manitoba, Newfoundland, Nova Scotia, Prince Edward Island and Saskatchewan, the law is similar but the exception in favour of a workman whose misconduct caused the injury is limited to cases where the resulting disablement is permanent. The New Brunswick Act varies from that of Ontario in stipulating that no compensation shall be paid if the injury was, in the opinion of the Board, intentionally caused by the workman or was wholly or principally due to his intoxication or serious and wilful misconduct and did not result in the workman's death.

In all the provinces but New Brunswick the word "accident" is defined to include "a wilful and an intentional act, not being the act of the workman, and a fortuitous event occasioned by a physical or natural cause". In Newfoundland, Nova Scotia and Prince Edward Island, compensation is payable for injury by lightning, and Newfoundland, Nova Scotia, Prince Edward Island and Saskatchewan expressly include frostbite resulting from the workman's employment. A special clause in the Alberta Act provides that where a workman is found dead in a place where his employment might cause him to be, it shall be presumed that his death was the result of an accident arising out of his employment unless the evidence is sufficient to rebut the presumption. A similar provision in the Newfoundland and Nova Scotia Acts applies only to a workman found dead in the underground workings of a mine, (in Nova Scotia, of a coal mine).

Occupational Diseases

In addition to accidents, certain occupational diseases give a workman right to compensation in all the provinces, "if the disease is due to the nature of any employment in which he was engaged at any time within twelve months previous to the date of his disablement whether under one or more employments". In Manitoba and Ontario, any disease peculiar to an industrial process is to be compensated. In all provinces but Alberta, it is stipulated that compensation shall not be paid if, at the time of entering into the employment, the workman had wilfully and falsely represented himself as not having previously suffered from the disease. Except in Newfoundland, New Brunswick, Nova Scotia and Prince Edward Island,

the workman is ineligible for compensation only if such false representation has been made in writing.

The diseases for which compensation is payable are set out in a schedule to each Act, except in New Brunswick and Ontario, but the Board in every province is given authority to add to it and in all cases other diseases have been added to the original list. In New Brunswick, the Board was empowered to determine by regulation all the diseases to be compensated. Appended to this statement is a table showing the occupational diseases which are compensated under the provincial Acts.

In Newfoundland, New Brunswick and Prince Edward Island, the Board may require a workman in any employment to have a medical examination in order to determine whether he has an occupational disease, and if he refuses or fails to do so, the employer may not continue to employ him.

In Alberta, British Columbia, Manitoba, Ontario, Quebec and Saskatchewan, silicosis is compensated under certain conditions, if the workman has been employed in a specified industry where he was exposed to silica dust. In Nova Scotia and Prince Edward Island, it is compensated if it occurs in any industry in which silica dust may be inhaled. Silicosis was declared an industrial disease in New Brunswick in 1948. Silicosis in mining is also to be compensated under the Newfoundland Act.

Waiting Period

Under each Act, a fixed period must elapse before compensation becomes payable. This "waiting period" varies from one to seven days, and in all provinces but Saskatchewan compensation is paid for the waiting period if disability continues beyond it. Under all the Acts medical aid is given from the date of the accident.

In Nova Scotia, Ontario, Prince Edward Island and Quebec, compensation is payable only if the disability continues for seven days or more, in New Brunswick for four days, and in Newfoundland for three days or more, in which case compensation is payable from the date of the disability.

In Alberta, British Columbia and Manitoba, no compensation is payable for a disability of three days or less but if the disability lasts for more than six days in Alberta and British Columbia or for more than fourteen days in Manitoba, compensation is payable from the date of the disability. In Saskatchewan, no compensation is payable for a disability that lasts only for the day of the accident but if the worker is disabled for any longer time, compensation is payable from and including the day after the accident.

Medical Aid

In addition to cash benefits, the cost of medical aid for injured workmen is borne by the Accident Fund for as long as needed under all the provincial Acts. Alberta ceased to require any contribution from the workpeople to the cost of medical aid at the end of 1943, and British Columbia in 1946. In Quebec, employers who are individually liable for compensation must furnish satisfactory medical aid or they may be ordered to pay for such aid as is procured by the workmen or the Board; in Ontario, the amount must now be paid by such employers through the Board.

In all provinces, medical aid includes medical, surgical, nursing and hospital services. In Ontario, it includes also treatment by persons registered under the Drugless Practitioners Act and in Alberta and Saskatchewan, the term includes treatment by any person licensed under provincial law to practise the healing arts. In Manitoba, the Board may, on request of the workman, permit treatment by a registered osteopath or chiropractor. In Alberta, British Columbia and Manitoba, the Board has authority to provide transportation for an injured workman. In New Brunswick, the term "medical aid" includes transportation and the Act requires an employer to transport the workman to a hospital, physician or to the workman's home, the cost to be paid for by the Board from the Accident Fund. In Alberta, Manitoba, Newfoundland, Nova Scotia, Ontario, Prince Edward Island, Quebec and Saskatchewan, the cost of such transport must be borne directly by the employer. In Newfoundland, Nova Scotia and Prince Edward Island, if an employer fails to provide a conveyance he is liable to pay to the Board double the cost of transporting the workman.

The Boards of all provinces provide crutches, artificial limbs and other apparatus for injured workmen. In Newfoundland, Nova Scotia, New Brunswick, Ontario, Prince Edward Island, Quebec and Saskatchewan, workmen are entitled to have such apparatus kept in repair as the Board deems necessary, and in Alberta, British Columbia and Manitoba for as long as disability lasts. Alberta, British Columbia, Manitoba and Quebec provide medicine and in other provinces the cost of these may be included in the term "medical aid". In Alberta, British Columbia, Manitoba and Saskatchewan, the Board may replace and repair broken dentures, and in Newfoundland, Nova Scotia, Ontario and Prince Edward Island, the workman is entitled to such dental appliances and apparatus as may be necessary as a result of an accident and to have them kept in repair or replaced at the discretion of the Board. In New Brunswick, provision is made for dental aid. In Alberta, British Columbia, Manitoba, Newfoundland, Nova Scotia, Prince Edward Island and Saskatchewan, the Board may replace and repair eye-glasses broken by an accident arising out of employment. The Saskatchewan Board may bear the expense of the removal of infected teeth or tonsils which can be assumed to hinder an injured workman's recovery. In Ontario, provision is made in permanent total disability cases, for such other treatment, services or attendance as may be necessary as the result of the injury.

The Board is authorized to make a per diem subsistence allowance of \$2.50 in Alberta and not exceeding \$3.50 in British Columbia from the Accident Fund to a workman under treatment at a place other than that in which he resides.

As regards the choice of a physician, the statutes in New Brunswick, Ontario and Saskatchewan merely stipulate that a workman must, if required by his employer, submit to a medical examination by a physician chosen and paid by his employer but, except in New Brunswick, only in accordance with the regulations of the Board. The implication is that in the first instance he may choose his own doctor. In Quebec, the present Act expressly states that a workman may select his physician. In Alberta, British Columbia and Manitoba, the Board is authorized to permit the workman to be treated by his own physician and this is the usual practice provided one reasonably near is chosen.

If so required by the Board, a workman in any province must submit to an examination by a medical referee chosen by the Board or to such other examination as the Board requires. In Alberta, in cases of dispute, the Board, after consulting the workman's physician, must nominate two recognized specialists in the class of injury or ailment for which compensation is claimed and the workman may select one of them to conduct the examination. If he fails to make a choice, the Board may make it.

In all provinces the fees for medical aid are fixed by the Board.

Employers' Schemes for Medical Aid

Employers' schemes for medical aid to their workmen may, under all the statutes except that of Ontario, be continued or put into effect if, after considering the wishes of both workmen and employer, the Board deems them to be at least as favourable to the workmen as the provisions of the Act. Such a scheme, approved by the Board and under its supervision, may replace the arrangement for medical aid in the Act. In Manitoba and New Brunswick, no private schemes have been approved by the Board. The Alberta, Newfoundland, New Brunswick, Nova Scotia, Prince Edward Island, Quebec and Saskatchewan Acts stipulate that the employer is entitled to reimbursement out of the Accident Fund or to a reduction in his assessment rate where such a scheme is in force. In British Columbia and Manitoba, the Act states that employers' schemes for medical aid may be approved subject to such conditions as the Board may impose. In Newfoundland, New Brunswick, Nova Scotia, Prince Edward Island, Quebec and Saskatchewan, contributions from workmen towards the expense of medical aid are expressly forbidden except as may be permitted under a private arrangement for furnishing medical aid approved by the Board. In Nova Scotia, schemes in the coal industry under which the miners pay the cost through a long-established arrangement with the local doctors have been permitted to continue

in consideration of the employers' contributions to miners' relief societies which constitute virtually an insurance plan providing benefits in sickness and for dependants in case of death. In some districts these arrangements for medical treatment were altered so as not to apply to compensation cases.

Seamen

The Dominion Merchant Seamen Compensation Act, 1946, which applies to seamen who are not within the scope of any provincial Workmen's Compensation Act, provides for free medical aid from the date of disability if the injury disables for seven days or more. The Act stipulates, however, that a seaman entitled to medical aid under the Canada Shipping Act is not entitled to medical aid under the 1946 statute for the same period or to the same extent.

In British Columbia, Newfoundland, New Brunswick, Nova Scotia and Prince Edward Island, the Workmen's Compensation Act stipulates that seamen on vessels on which duty is payable for the purpose of the Sick Mariners' Fund under Part V of the Canada Shipping Act shall not, during the period for which such duty is payable, receive medical aid under the Workmen's Compensation Act. In British Columbia, however, seamen are eligible under the Workmen's Compensation Act for any additional medical aid which is not furnished under the Canada Shipping Act. Under that Act, all ships arriving at any port in British Columbia, Manitoba, New Brunswick, Nova Scotia, Ontario or Quebec are required to pay a duty for the Sick Mariners' Fund but ships engaged in the coastal trade and fishing vessels are exempt.

First Aid

In all provinces, employers in industries in which it is deemed proper may be required by the Board to maintain such first-aid appliances and service as the Board may direct. In British Columbia, when the employer fails to comply with this provision the Board may install first-aid appliances and charge the cost of them to the employer. Regulations have been issued in most provinces setting out the minimum first-aid service required to be maintained according to the number of employees.

Rehabilitation

To aid in getting men back to work and in lessening any handicap, a Board may adopt any means considered expedient and pay the cost from the Accident Fund. Except in Alberta and Saskatchewan, the maximum amount that may be spent for this purpose in a year is fixed in the statute: \$5,000 in Prince Edward Island; \$15,000 in Newfoundland and New Brunswick; \$20,000 in Nova Scotia; \$75,000 in British Columbia; and \$100,000 in Ontario and Quebec. In Manitoba, the cost of vocational training for any workman may be paid from

the reserve set aside for his compensation. In Alberta, provision was made in 1948 for the setting up of a reserve fund for the payment of expenses incurred by the Board in re-training and rehabilitation.

Accidents Occurring Outside the Province

In each province, the Act makes some provision for compensation to workmen who are hired by an employer in the province and who are injured in accidents occurring outside its boundaries.

The determining factors are usually the employer's place of business and the residence and usual place of employment of the workman. Although the Acts vary in wording, in general they ensure protection to such workmen and guard against any overlapping.

In Alberta, British Columbia, Ontario and Quebec, compensation is payable if the place or chief place of business of the employer and the residence and usual place of employment of the workman are in the province, and provided that the employment outside the province has immediately followed employment in the province by the same employer and lasted less than six months, or in Alberta, twelve months or longer if the Board permits. In Newfoundland, Nova Scotia and Prince Edward Island, compensation is payable if the workman's usual place of employment is in the province and employment out of the province has lasted less than six months or in the case of Newfoundland, less than eight months. In Alberta, Newfoundland, Nova Scotia, Prince Edward Island and Quebec, however, compensation is only payable in such cases if the law of the place where the accident happened grants no compensation. In Manitoba and Ontario, a workman is eligible for compensation for an accident which occurs while he is temporarily outside the province for some purpose connected with his employment provided that his employer has his place of business within its boundaries and the workman's employment usually causes him to be within the province, and if, in Manitoba, he is a resident of the province or, in Ontario, even if his residence is outside the province.

In Alberta, New Brunswick and Saskatchewan, when a workman, who is a resident of the province, is engaged in work which is performed partly within and partly without the province, the work is considered as done in the province and compensation is payable accordingly. In British Columbia, Manitoba and Ontario, a similar provision relates only to employment on a steamboat, ship or vessel or on a railway but in British Columbia also includes transport by aeroplane, truck, bus or other vehicle. In Quebec, a like provision applies to employment in transport by land or water and in the latter case applies also to a workman hired in the province. In Ontario and Quebec, the provision applies to an accident on a vessel which is either registered in a Canadian port or whose owner or charterer has his home or principal place of business in the province. The Nova Scotia statute stipulates as regards accidents outside the province on a ship registered in Nova Scotia or operated by an employer residing or having his place of business in the province and while the

ship is limited to making voyages between Nova Scotia and New Brunswick, Prince Edward Island or Newfoundland, that the employer must apply to have the industry admitted within the Act and must pay the required assessment. Failure to do so makes him personally liable for compensation. The Prince Edward Island Act has a similar section.

In Nova Scotia and Prince Edward Island, an industry carried on outside the province may be declared by the Board, on the application of the employer, to be within the scope of Part I of the Act and compensation is payable to a workman employed in such an industry.

In British Columbia, Newfoundland, New Brunswick, Nova Scotia, Ontario, Prince Edward Island, Quebec and Saskatchewan, if an employer fails to include the workmen whose work requires them to go outside the province in the report of his payroll to the Board and an accident occurs to any workman outside the province for which he is eligible for compensation, the employer is individually liable to pay such compensation. The British Columbia, Newfoundland, Nova Scotia and Prince Edward Island Boards, however, may exercise their discretion on this point according to the circumstances.

In Ontario, when the employer's place of business is not in the province, provision is made for compensation for accidents occurring outside the province under certain circumstances. If compensation is payable under the law of the place where the accident happened, compensation is not payable in Ontario whether the workman is a resident of the province or not, unless his place of employment is in the province and he was, at the time of the accident, out of the province merely for some casual purpose incidental to his employment.

In Alberta, British Columbia, Nova Scotia, Ontario, Prince Edward Island, Quebec and Saskatchewan, if an accident happening elsewhere than within the province entitles the workman to compensation under the law of another province or country in which the accident occurred as well as under the law of the province, the Act requires him to choose under which law he will claim compensation and to give notice accordingly.

Alberta, British Columbia, Manitoba, Newfoundland and Saskatchewan provide for interprovincial agreements to facilitate the handling of cases in which workmen are employed outside the Province. The Alberta Board may enter into an agreement with the Board of any other province to provide compensation for injuries to workmen who are employed under such conditions that part of their work is performed in Alberta and part in another province. The British Columbia and Newfoundland Boards may make arrangements with the Board of any other province to avoid duplication of assessments where workmen are protected by the laws of two or more provinces and may repay any other Board for any payment of compensation made under such an arrangement. In Manitoba, where a workman's employment requires him to be regularly outside the province, the Board may arrange with the employer and the Board of the other province the premium to be paid to each Board.

In Saskatchewan, the Act enables the Board, with the approval of the Lieutenant-Governor in Council, to arrange with the Boards of adjoining provinces with respect to compensation for injuries to workmen whose employment is at one time or season in one province and at another time or season in another, and also with respect to compensation for industrial diseases incurred by workmen whose employment extends across the interprovincial boundary. The Manitoba Act has a similar provision relating to industrial diseases.

Non-resident Workmen and Dependants

The question of compensation to workmen or their dependants who reside outside the province is dealt with in all the Acts. In most of the provinces such compensation is granted only on condition that similar benefits are provided for by the law of the country in which the beneficiaries reside. The higher cost of living in Canada compared with trans-Atlantic countries has also been taken into consideration and it is frequently stipulated that the amount of compensation may be adjusted on this basis.

The British Columbia law stipulates that, where compensation is payable to persons residing outside of Canada, the Board may award a smaller sum if, in its opinion, dependants can be maintained on such smaller sum in a like degree of comfort as dependants of the same class in Canada. The New Brunswick Act contains a similar provision with respect to dependent aliens residing outside of Canada.

In Quebec, dependants not residing in Canada may be awarded such sum in lieu of compensation as the Workmen's Compensation Commission deems proper.

A similar provision to that of Quebec is found in the Ontario and Saskatchewan Acts. The latter statutes, however, while giving to the Board such discretionary power, stipulate, generally, that a dependant who does not live in Canada is not entitled to compensation, unless by the law of the place or country in which he resides, the dependant of a workman to whom an accident happens in that country, if resident in Canada, would be entitled to compensation.

In Manitoba, Newfoundland, New Brunswick, Nova Scotia and Prince Edward Island, the section dealing with non-resident dependants is like that in Ontario and Saskatchewan except that in the five first-named provinces, the provision relates to dependants who do not live in the province as well as to non-residents of Canada, and in Newfoundland, New Brunswick, Nova Scotia and Prince Edward Island, the clause is permissive only. The Board is given power to order compensation to be paid in such cases. In New Brunswick, the statute requires an order in council to set out that provision is made by other provinces and countries for compensation in respect to workmen of those countries or provinces and benefits are payable to dependants resident in New Brunswick. Such an order in council was approved in February, 1919.

In the three provinces, Manitoba, Ontario and Saskatchewan compensation awarded to non-resident dependants may not be greater than the amount of compensation that would be payable under the law of the other country if the dependant concerned under that law resided in one of these provinces and in Newfoundland, New Brunswick, Nova Scotia and Prince Edward Island, the Board may reduce the compensation in such a case to that payable under the law of the country concerned.

Security for Payment of Compensation

All the provincial statutes provide that compensation shall be paid for accidents within their scope and the province is responsible for the solvency of the Accident Fund.

Default on the part of the employer in making the required returns to the Board or in paying his assessment does not affect the payment of compensation for an accident occurring during the period of default. In such case, the employer is liable, in addition to a penalty, to pay, in Alberta not more than \$300 and in Manitoba not more than \$500, or, in either of these provinces one-half and in the other provinces except Prince Edward Island the full amount or capitalized value of the compensation as the Board determines. The Prince Edward Island Act makes the employer liable, in addition to a penalty, to pay \$100 for each week of default.

In every province where default is made in the payment of an assessment, judgment may be entered on a certificate filed in court by the Board. In Alberta, British Columbia, Manitoba, Newfoundland, New Brunswick, Nova Scotia and Prince Edward Island, the Board has right of action against the employer and in Alberta, Ontario and Saskatchewan, if an assessment remains unpaid for 30 days the amount may be collected for the Board by the municipality in the same manner as taxes.

In Quebec, assessments have priority over any lien and in British Columbia and Alberta, over any lien except one for wages. In the other provinces, where an employer would be entitled to a lien the owner of the property is liable for the assessment or to a penalty if he fails to see that the employer pays it.

All the Acts provide that in the case of the death of the employer or of an assignment or winding up of a company the amount of any assessment or compensation for which the employer was liable shall be included among the debts, such as legal costs, taxes or wages, which, under the provincial statutes governing the distribution of estates in such cases, have priority over other claims against the property of the employer. The Dominion Bankruptcy Act stipulates that, subject to the provincial laws concerning (1) taxes or rates on the property of the debtor and (2) as to rent, and after costs and fees of bankruptcy proceedings are provided for, all wages earned during the preceding three months and any indebtedness under a provincial Workmen's Compensation Act shall have first claim on the property.

Accident Prevention

The Board in each province, except Manitoba, and any person appointed by the Board have authority to inspect the premises of any employer within the scope of the Act to ascertain whether proper precautions are being taken to prevent accidents and whether the safety appliances or safeguards required by law are being used. In Manitoba, the provincial Department of Labour is responsible for accident prevention work.

In Alberta, British Columbia, Newfoundland and Saskatchewan, the Board may determine the measures to be adopted or the safety devices to be installed for the prevention of accidents and diseases, making general or special rules for that purpose. Before adopting such rules, the British Columbia Board must arrange for them to be considered at a public hearing of which ten days' notice must be given and the Newfoundland and Saskatchewan Boards may hold a conference with a committee consisting of not more than five employers and an equal number of workmen in the industries affected by the regulations. In all these provinces and in Prince Edward Island, the Board may order an employer to install in his plant, within a specified time, any safety device which in its opinion is necessary. In British Columbia, Newfoundland and Saskatchewan, the Board may maintain museums or places for the exhibition of safety devices, publish and distribute bulletins on accident prevention, arrange for lectures on the causes and prevention of industrial accidents and diseases and appoint advisory committees on which employers and workmen are represented to assist the Board in establishing standards of safety and to recommend rules for that purpose. The Alberta Board has similar power to carry on education and instruction in accident prevention work. Safety regulations have been made by the Boards of both Alberta and British Columbia. An accident prevention committee must be organized in every plant employing, in Alberta, 10 or more workmen, or in British Columbia, 20 or more.

In Newfoundland, New Brunswick, Nova Scotia, Ontario, Prince Edward Island and Quebec, associations of employers, and in Saskatchewan associations of employers and workmen, in any of the classes into which they are divided for purposes of assessment may make rules for accident prevention. In New Brunswick and Nova Scotia, one accident prevention association covers the province. In Ontario and Quebec, certain classes are organized separately, construction, pulp and paper, lumbering, mining and electrical work in Ontario and pulp and paper, lumbering and public utilities in Quebec. Employers in other classes in each province are associated in one body.

If the Newfoundland, Nova Scotia and Prince Edward Island Boards approve the rules, they become binding upon all employers in the class or classes whether members of the association or not. In New Brunswick, Ontario, Quebec and Saskatchewan, if the Board considers the association to be sufficiently representative of the employers affected and approves their rules, they become binding if they are approved also by the Lieutenant-Governor in Council. Where an

association appoints safety inspectors, the Board in any of these provinces may pay the whole or part of their salaries out of the Accident Fund. A special grant may also be made towards the expenses of an association. Monies paid by the Board, under these provisions, are to be charged to the classes represented by the association concerned.

In Alberta, British Columbia and Prince Edward Island, if the Board considers that an accident is due to the inexcusable failure of an employer to comply with the regulations or with the directions of the Board, it may, in British Columbia, collect from the employer the amount of the compensation payable, not exceeding \$300 in any case, and in Alberta and Prince Edward Island, a sum not exceeding one-half of the amount of compensation payable. The Alberta Board may increase the assessment of an employer if it considers that precautions against accidents are not sufficient or that working conditions are not safe.

In British Columbia and Manitoba, where an industry is so circumstanced or conducted that the hazard is either greater or less than the average of the class to which the industry belongs, the Board may fix a higher or lower rate according to the hazard. In New Brunswick, the rate may be increased where the hazard is greater than the average of the class owing to the manner in which the industry is carried on.

The Acts of all provinces except Prince Edward Island permit the Board to adopt a system of merit or experience rating. Moreover, in Ontario, Quebec and Saskatchewan, if the accident record is high in any industry and if proper precautions are not taken or if the machinery, appliances, etc., are defective or inadequate, the Board may increase the employer's assessment so long as such conditions exist, or the Board may exclude the industry from the class in which it has been placed and make the employer individually liable for compensation. In Prince Edward Island, an employer who disregards the recommendations of the safety officer authorized by the Board to inspect his premises is liable to have his assessment rate raised or if the hazard is not removed, to be restrained from carrying on operations.

Conventions and Recommendations
of the International Labour
Conference

Accidents

The International Labour Conference at its 1925 Session adopted three Conventions and four Recommendations concerning workmen's compensation. The 1925 Convention (No. 18) concerning compensation for occupational diseases was revised in 1934 (No. 42) to cover additional diseases.

The Convention (No. 17) relating to industrial accidents requires that workmen's compensation laws shall apply to all workmen, employees and apprentices employed in a public or private undertaking with the exception, where deemed desirable by the Legislature, of casual workers employed otherwise than for the purposes of the employer's business, out-workers, members of the employer's family working exclusively for and residing with him, and non-manual workers whose remuneration exceeds a limit determined by national legislation.

The Convention does not apply to agriculture, which is covered by a 1921 Convention, nor to seamen or fishermen, nor to persons covered by special schemes whose terms are not less favourable than those of the Convention.

The Convention requires compensation, in fatal and permanent disability cases, to be paid periodically except where the authorities are satisfied that a lump sum will be properly used. Compensation must be payable from not later than the fifth day after the accident and additional compensation must be given where the injured person requires the constant help of another person. A workman is entitled to medical, surgical and pharmaceutical aid, and to the supply and normal renewing of artificial limbs and surgical appliances or to a money payment in place of them. Provision must be made to ensure the payment of compensation in the event of the employer or insurer becoming insolvent.

The Convention leaves each country free to determine whether compensation shall be payable directly by the employer or by an accident or sickness insurance institution.

This Convention has been ratified by 24 States. It can be ratified by Canada only if the Dominion, provincial and territorial laws comply with its standards. The most outstanding differences are in scope. The Convention includes domestic servants which are nowhere included in Canada. It applies also to industrial undertakings irrespective of the number employed, to commercial establishments, such as shops, hotels, restaurants, places of amusement, banks and offices of various kinds, to hospitals and other institutions of a commercial or of a non-profit nature.

The scope of the Canadian Acts is set out on p. 9.

Agriculture

Convention (No. 12), adopted at the 1921 Session of the Conference, requires all agricultural wage-earners to be included within the scope of workmen's compensation. This Convention has been ratified by 25 countries including the United Kingdom and New Zealand.

In Canada, farm workers are not compensatable except to a very small extent. However, in several provinces agricultural workers may be brought within the scope of the Act either by regulation of the Board or by Order in Council, (p. 12).

Occupational Diseases

The 1925 Convention providing for compensation for poisoning by lead or its alloys or compounds, poisoning by mercury or its amalgams and compounds, and for anthrax infection was ratified by 30 States. The 1934 Convention has been ratified by 21 States, including the United Kingdom.

This Convention requires compensation to be paid in case of death or disability from any of the specified diseases in accordance with the general principles of the legislation providing for compensation for industrial accidents and at rates not less than those prescribed for accidental injury. In addition to the three diseases specified above, the 1934 Convention applies to silicosis, poisoning by phosphorus or arsenic or their compounds, poisoning by benzene or its homologues and their nitro and amido-derivatives or by the halogen derivatives of hydro-carbons of the aliphatic series, pathological manifestations due to radium or other radio-active substances or to X-rays, and primary epitheliomatous cancer of the skin.

Only Ontario and Saskatchewan provide compensation for all these diseases. For the diseases compensatable in each province, see p. 29.

A Recommendation (No. 24) of the 1925 Conference is to the effect that each State should adopt a simple procedure for revising the list of diseases for which compensation is payable. In Canada, all provinces may add to the list by regulation of the Workmen's Compensation Board.

Minimum Scale of Compensation

The Recommendation (No. 22) concerning the Minimum Scale of Workmen's Compensation proposes for permanent total incapacity a periodical payment equal to two-thirds of the workmen's annual earnings and in case of temporary total incapacity a daily or weekly payment equivalent to two-thirds of the workmen's basic earnings as calculated for purposes of compensation. In case of permanent or temporary partial incapacity, the benefit proposed is a proportion of the periodical payment due in the event of permanent or temporary total incapacity, respectively calculated in reference to the reduction in earning power.

Where periodical payments are made, the maximum yearly total paid to all dependants should not be less than two-thirds of the annual earnings of the deceased workman. Where compensation is paid in a lump sum, the maximum payable to all dependants should not be less than the capitalized value of periodical payments equivalent to two-thirds of the annual earnings.

The Recommendation further proposes that provision be made for the vocational re-education of injured workmen, and institutions which undertake such re-education should be encouraged by the Government.

Those entitled to be regarded as dependants under the Recommendation include at least the consort, children under 18 and invalid children over that age, dependent grandchildren and brothers and sisters within the same age-limits, and dependent parents and grandparents.

In the Canadian provinces compensation is payable on at least as high a scale except that in all provinces a limit is placed on the maximum earnings which may be taken into account when calculating compensation. Further, compensation is normally paid only in respect of children under 16 except in Alberta, New Brunswick, and Quebec where the normal age is 18. In New Brunswick, however, payments cease if the child does not attend school up to 18 years. Exceptions are made for invalid children in all provinces and in British Columbia, Manitoba, Nova Scotia, Ontario, Prince Edward Island and Saskatchewan, for children continuing their education up to 18 years of age.

Equality of Treatment for National and Foreign Workers

The Convention (No. 19) concerning Equality of Treatment for National and Foreign Workers as regards Workmen's Compensation for Accidents has been ratified by 39 countries, including the United Kingdom.

This Convention requires each State which ratifies it to grant to the nationals of any other State which ratifies the Convention the same treatment in regard to compensation for accidents happening in its territory as it accords to its own nationals. This treatment is to be given to foreign workers and their dependants without any conditions as to residence. Special arrangements between the States concerned are to regulate, if necessary, the payments to be made outside the territory of any Member State. Agreements may be made between Member States providing that compensation for accidents happening to workers who are temporarily or intermittently employed in the territory of one Member, on behalf of an undertaking situated in the territory of another Member, shall be governed by the laws of the latter Member State.

The Canadian provisions relating to Equality of Treatment are stated on page 21.

The Recommendation (No. 25) on the same subject is to the effect that measures should be taken to facilitate the payment of compensation to foreign workers, and that in case of dispute concerning the non-payment or reduction of compensation due to a person residing elsewhere than in the territory where his claim originated, facilities should be afforded for taking legal proceedings in such territory without requiring the attendance of the person concerned.

Jurisdiction in Disputes

Recommendation No. 23 relates to jurisdiction in disputes concerning workmen's compensation. Since such disputes turn not only on the interpretation of laws and regulations but also on questions of an occupational character requiring a thorough knowledge of working conditions, it is recommended that every dispute relating to workmen's compensation should be dealt with by a special court or board of arbitration comprising, with or without the addition of regular judges, an equal number of employers' and workers' representatives nominated or appointed to act as adjudicators by their respective organizations or elected by bodies of employers and workmen. Where such disputes are dealt with by ordinary courts of law, the courts should be required to hear employers' and workers' representatives as experts in cases involving questions of an occupational character and, in particular, the question of degree of incapacity.

Occupational Diseases

The following table shows the diseases for which compensation is payable under the Workmen's Compensation Acts by provinces but in Manitoba and Ontario any disease peculiar to an industrial process or occupation is to be compensated:

Anthrax)	
Arsenic poisoning or its sequelae)	
Lead poisoning or its sequelae	)	All provinces
Mercury poisoning or its sequelae)	
Phosphorus poisoning or its sequelae)	
Ammonia poisoning or its sequelae	)	New Brunswick, Prince Edward Island, Saskatchewan
Ankylostomiasis	)	British Columbia, Manitoba, Newfoundland, Nova Scotia, Ontario, Saskatchewan
Asbestosis	)	British Columbia, Quebec
Asthma and respiratory irritation due to exposure to organic or fibrous dusts, as in handling grain, furs, feathers, cedar, mahogany, wool, rock-wool, asbestos or wood	)	British Columbia
Benzene (benzol) poisoning and poisoning by its homologues, nitro and amino-derivatives, anilin and others	)	Alberta, British Columbia, Manitoba (munition making), Newfoundland, Ontario, Quebec, Saskatchewan
Brass, zinc or nickel poisoning or its sequelae	)	Newfoundland, New Brunswick, Ontario, Quebec, Saskatchewan
Bronchitis and pulmonary oedema in any process using oxyacetylene or electric arc for cutting or welding	)	British Columbia
Bursitis (see also Cellulitis)	)	Newfoundland, Ontario, Quebec, Saskatchewan
- acute, elbow	)	British Columbia, Newfoundland, New Brunswick, Nova Scotia
- prepatellar	)	British Columbia, New Brunswick
Cadmium poisoning	)	Ontario, Quebec, Saskatchewan

Cancer arising from the manufacture, handling or use of pitch or tar	) Newfoundland)
Cancer, epitheliomatous, or ulceration of the skin or cornea due to tar, pitch, bitumen, mineral oil or paraffin, or any compound, product or residue of any such substance	) ) Nova Scotia, Ontario,) Prince Edward Island,) Saskatchewan)
Carbon bisulphide poisoning or its sequelae	) British Columbia,) Newfoundland, New Brunswick,) Ontario, Prince Edward) Island, Saskatchewan
Carbon dioxide poisoning or its sequelae	) Newfoundland, New Brunswick,) Ontario, Saskatchewan
Carbon monoxide poisoning or its sequelae	) British Columbia,) Newfoundland, New Brunswick,) Ontario, Quebec, Saskatchewan
Cellulitis, subcutaneous, hand	) Alberta, British Columbia,) Newfoundland, Nova Scotia
- -, - -, patella	) British Columbia,) Newfoundland, Nova Scotia
Chlorinated hydro-carbons (carbon tetrachloride, trichlorethylene, tetrachlorethane, trichloronaphthalene and others), poisoning by or its sequelae	) ) British Columbia, Ontario,) Quebec, Saskatchewan))
Chlorine poisoning	) Saskatchewan
Chrome poisoning	) Newfoundland, Ontario,) Quebec, Saskatchewan
Chromium and its compounds, dermatitis in any process using	) British Columbia)
Circulatory disturbances of the extremities in any process involving muscular effort at low temperatures or handling cold materials	) ) British Columbia))
Compressed air illness	) British Columbia,) Newfoundland, New Brunswick,) Ontario, Quebec, Saskatchewan

Conjunctivitis from exposure to dust)
from spices, dust, heat, gases, fumes,	) British Columbia
vapours, mists or smoke)
Conjunctivitis and/or retinitis due to	) British Columbia, Manitoba,
electro- and oxy-acetylene welding	) Newfoundland, New Brunswick,
	) Ontario, Prince Edward
	) Island, Quebec, Saskatchewan
Cyanide, dermatitis in any process	) British Columbia
involving the use of)
Cyanide poisoning	) Saskatchewan
Dermatitis and occupational ulcerations	) Manitoba
and infections of the skin)
Dermatitis and infection of skin or)
contact surfaces due to oils, cutting	) Alberta
compounds or lubricants, dust,)
liquids, fumes, gases or vapours)
Dermatitis in any process involving)
contact with chemicals such as acids,)
alkalis or salts, solvents, disin-)
flectants, asphalt, creosote, coal-tar)
products, wood preservatives, sugar,)
soap, glue, cement, lime, sulphur,)
sulphur gases, cutting oils or petro-)
leum products, alder, cedar or cedar-)
bark fluff, hemlock, mahogany, spruce,)
teak, poison ivy, poison oak, ragweed)
or other plant life poisonous to human	) British Columbia
beings, hides, uncooked meats, fish or)
poultry, cloth, jute, hemp, dirty linen,)
rags or sacks, spices or essential oils;)
in any process in manufacturing or)
handling cheese or cereals; in picking,)
packing or canning of fruits or)
vegetables; in handling copra; in)
manufacture or use of rock-wool,)
slag-wool, glass-wool, silica or)
silicates; in manufacturing brooms)
or brushes; in any process using dyes,)
inks or pigments; in any process using)
thioglycolates or other irritant)
substances in hairdressing; in any)
process where there is exposure to)
rubber, leather, plastics, paper, or)
dust from any of them; or from any)
allergic reaction to drugs such as)
penicillin, streptomycin and metaphen)

Dermatitis venenata in any process involving use of or contact with acids and alkalies or acids and oils or other irritants capable of causing it	) Newfoundland, Nova Scotia,) Ontario, Prince Edward) Island, Quebec, Saskatchewan)
Formaldehyde poisoning	) British Columbia,) Saskatchewan
Frostbite	) Newfoundland, Nova Scotia,) Prince Edward Island,) Saskatchewan
Gastric irritation in any process using oxyacetylene gas or electric arc for cutting or welding	) ) British Columbia)
Glanders	) Alberta, New Brunswick,) Saskatchewan
Heat exhaustion	) British Columbia
Infection from handling sugar	) New Brunswick
Infected blisters from any process involving continuous friction, rubbing or vibration	) British Columbia,) Newfoundland, Ontario,) Quebec, Saskatchewan
Inflammation of the synovial lining of the wrist joint and tendon sheaths (tenosynovitis of the wrist)	) British Columbia,) Newfoundland, Ontario,) Quebec, Saskatchewan
Magnesium and its compounds, dermatitis in any process using	) British Columbia)
Metal-fume fever in any process involving welding on galvanized material or exposure to the oxides of zinc, manganese, cadmium, chromium or copper	) ) ) British Columbia))
Miners' phthisis	) Saskatchewan
Nickel and its compounds, dermatitis in any process using	) British Columbia)
Nitrous fumes, poisoning by, or its sequelae	) British Columbia, Manitoba) (munitions making),) Newfoundland, Ontario,) Quebec, Saskatchewan
Petroleum and products, respiratory, gastro-intestinal, nerve and eye disorders due to	) ) Saskatchewan)

Pneumoconiosis in quarrying, cutting,) Newfoundland, Ontario
crushing, grinding or polishing of)
stone or grinding or polishing of metal)

Pneumoconiosis (in Alberta, deemed to)	
be silicosis, siderosis, lithosis) in)	
mining; and in quarrying, cutting,	)	Alberta, Quebec,
crushing, grinding or polishing of	)	Saskatchewan
stone or grinding or polishing of metal))	
(in Quebec, also in smelting of metal)	
and in potteries))	

Pneumoconiosis in monument lettering)	
and setting, stone dressing and)	
cutting, sand-blasting, reduction and)	
smelting of ores, manufacture of)	
alabastine, lime, and gypsum products,	)	British Columbia
sewer-construction, road-construction,)	
quarrying or tunneling, grinding or)	
polishing of stone or metal castings,)	
or any process in any foundry or other)	
manufacturing operation where there)	
is exposure to pneumoconiosis-)	
producing dust)	

Poisoning in any process involving use)	
of a volatile solvent (in assembling or)	
repairing motor-vehicles, or in making	)	British Columbia,
paints, paint removers or water-proof	)	Saskatchewan
fabrics, printing, dry cleaning,)	
welding or gasoline blending -)	
Saskatchewan))	

Poisoning in any process where there is exposure to methyl chloride) British Columbia)

Poisoning caused by chemicals used in the painting industry) New Brunswick)

Pulmonary and respiratory irritation) British Columbia
from exposure to vapours, mists or dust)

Respiratory disease due to inhalation of)
materials in non-offset sprays in) Ontario
printing industry)

Rhinitis from contact with allergens or chemical vapours or dust) British Columbia)

Seal finger in handling seals or seal products) Newfoundland)

Silicosis	) New Brunswick, Nova Scotia,) Prince Edward Island
Silicosis in mining	) Newfoundland, Ontario
Silicosis in mining and in iron, steel and metal foundries	) Manitoba)
Silicosis in mining, quarrying, cutting, crushing, grinding or polishing of stone, or grinding or polishing of metal (also smelting of metal - Quebec))	) ) Alberta, Quebec,) Saskatchewan)
Silicosis in steel-sharpening in metalliferous-mining; grinding, repairing or handling tools or machinery in mine operations; ore-crushing or rock-crushing; or any work in mining where there is exposure to silica dust )	) ) ) British Columbia))))
Silicosis in making pottery	) Quebec
Stone workers' or grinders' phthisis	) Newfoundland, Ontario,) Saskatchewan
Sulphur poisoning or its sequelae	) New Brunswick, Prince) Edward Island
Sulphur poisoning in coal mining	) British Columbia
Sulphuric, hydrochloric or hydrofluoric acid, poisoning by	) Saskatchewan
Tooth-erosion due to exposure to acid fumes or mist	) British Columbia)
Tuberculosis from employment in hospitals, sanatoria or clinics under the Act; in public health units of Province, University of British Columbia, municipality, school board or branch of Victorian Order of Nurses	) ) ) British Columbia))))
Tuberculosis contracted by a workman employed in a hospital, sanatorium or sanitarium to which Part I of the Act applies or in a provincial laboratory	) ) ) Ontario)))
Ulceration of mucous membrane of the throat and nose due to exposure to acid fumes or mist	) ) British Columbia)

Undulant fever	) British Columbia
Vascular disturbances in the extremities) due to continuous vibration of machines) British Columbia, or power tools (in Saskatchewan, upper) Saskatchewan extremities))	
Wood alcohol, poisoning by	) British Columbia, Saskatchewan
X-rays, radium or other radio-active) substances, any disease due to exposure) Ontario, Quebec (ulceration to) or malignant disease), Saskatchewan	
X-ray apparatus in industry, or operation) where X-ray or radium is used in) hospitals under the Act, cutaneous,) British Columbia circulatory or blood-cell lesions or) endocrine change from)	

Scale of Compensation

The table shows the benefits payable. Periodical payments may be commuted for a lump sum on certain conditions. In all provinces compensation is paid in respect of a foster-mother at the same rate as to a widow with one or more children for as long as payments to the children continue.

1. MONTHLY BENEFITS TO DEPENDANTS IN CASE OF DEATH OF WORKMAN

<u>Funeral</u>	<u>Widow or</u>	<u>C H I L D R E N</u>		<u>Where only dependants</u>	<u>Maximum</u>
	<u>Invalid</u>	<u>With Parent</u>	<u>Orphans</u>	<u>are other than consort</u>	
	<u>Widower</u>			<u>& child</u>	
<u>PRINCE EDWARD ISLAND</u>					
\$100	\$40 plus sum of \$100	Under 16, \$10 each ¹ Maximum to consort and children, \$80	Under 16, \$20 each ¹ Maximum \$80	Sum reasonable and in proportion to pecuniary loss. Maximum to parent or parents, \$30. Maximum in all, \$45 ²	2/3 of earning
<u>NOVA SCOTIA</u>					
\$150	\$50 plus sum of \$100	Under 16, \$12.50 each. ¹ Maximum to consort and children, \$100	Under 16, \$22.50 each. ¹ Maximum \$90	As in P.E.I.	2/3 of earning
<u>NEW BRUNSWICK</u>					
\$150 ⁴	\$40 plus sum of \$100	Under 18, if attend- ing school, \$10 each ¹	Under 18, if attend- ing school, \$20 each ¹	Sum reasonable and in proportion to pecuniary loss ²	2/3 of earning
<u>QUEBEC</u>					
\$175	\$45 plus sum of \$100	Under 18, \$10 each ¹	Under 18, \$15 each ¹	As in N.B.	2/3 of earning Minimum \$55 to consort and or child, \$65 if more ³
<u>ONTARIO</u>					
\$125	\$50 plus sum of \$100	Under 16, \$12 each ¹	Under 16, \$20 each ¹	As in N.B. Maximum \$100	Average earning Minimum of \$5 consort, \$12 each child or to orphan child less total be exceed \$100 ³

1. In Manitoba, Nova Scotia, Ontario, Prince Edward Island and Saskatchewan payments to children may be made up to 18 years if desirable to continue education. In Alberta, New Brunswick, Nova Scotia, Prince Edward Island, Quebec and Saskatchewan payments to invalid children are continued so long as Board considers workman would have contributed to support. In British Columbia, Manitoba, and Ontario, payments are continued until recovery.
2. In all provinces compensation in these cases is continued only so long as Board considers workman would have contributed to support.
3. For maximum earnings that may be reckoned, see Table 2, Column 5.
4. For cost of transporting body from place of death to place of interment, \$125 may be paid in Ontario and in New Brunswick, and in British Columbia \$100 may be paid for transportation to a point within the province. In Manitoba \$100 may be paid for transportation.

eral	Widow or Invalid Widower	C H I L D R E N		Where only dependants are other than consort & child	Maximum
		With Parent	Orphans		
<u>MANITOBA</u>					
4	\$50 plus sum of \$100	Under 16, \$12 each ¹	Under 16, \$20 each ¹	As in N.B. Maximum \$30 each. Maximum in all, \$60 ²	2/3 of earnings. Minimum \$12.50 per week if one child; \$15 if more ³
<u>SASKATCHEWAN</u>					
5	\$50 plus sum of \$100	Under 16, \$15 each ¹	Under 16, \$25 each ¹	As in N.B.	Average earnings but minimum \$50 to widow or invalid widower; \$65 to widow or widower and one child; \$75, if more children ³
<u>ALBERTA</u>					
5	\$50 plus sum of \$100	Under 18, \$15 plus \$10 if attending school between 16 and 18 years ¹	Under 18, \$15 plus an amount not exceed- ing \$10 ¹	As in N.B. Maximum to parent or parents \$50. Maximum in all, \$85	
<u>BRITISH COLUMBIA</u>					
4	\$50 plus sum of \$100	Under 16, \$12.50 each ¹ ; if attend- ing school \$12.50 between 16 and 18 years.	Under 18, \$20 each ¹ , \$17.50 if able to attend school be- tween 16 and 18 years and not attending	(a) As in N.B. Maximum \$40 to parent or parents. Maximum in all, \$55. (b) if there is widow or invalid widower or orphans, maximum to parent or parents, \$40 ²	

In Manitoba, Nova Scotia, Ontario, Prince Edward Island and Saskatchewan payments to children may be made up to 18 years if desirable to continue education. In Alberta, New Brunswick, Nova Scotia, Prince Edward Island, Quebec and Saskatchewan payments to invalid children are continued so long as Board considers workman would have contributed to support. In British Columbia, Manitoba and Ontario, payments are continued until recovery.

In all provinces compensation in these cases is continued only so long as Board considers workman would have contributed to support.

For maximum earnings that may be reckoned, see Table 2, Column 5.

For cost of transporting body from place of death to place of interment, \$125 may be paid in Ontario and in New Brunswick, and in British Columbia \$100 may be paid for transportation to a point within the province. In Manitoba \$100 may be paid for transportation.

2. BENEFITS IN CASE OF DISABILITY

<u>PERMANENT</u>		<u>TEMPORARY</u>		
<u>Total</u>	<u>Partial</u>	<u>Total</u>	<u>Partial</u>	<u>Maxim Earni Recko</u>
<u>PRINCE EDWARD ISLAND</u>				
2/3 of earnings. Minimum \$12.50 per wk. or earnings, if less. ³	2/3 of difference in earnings before and after accident. If disability 25% or more, minimum as in total disability in proportion to disability. ^{1,2,3}	2/3 of earnings for duration of dis- ability. Minimum \$12.50 per wk. or earnings, if less. ³	2/3 of difference in earnings before and after accident for duration of disability. ^{1,2,3}	\$2,50 annu
<u>NOVA SCOTIA</u>				
2/3 of earnings. Minimum \$75 per month.	2/3 of difference in earnings before and after accident. If disability 25% or more, average earnings must be taken as not less than \$18.75 per wk. ¹	2/3 of earnings for duration of dis- ability. Minimum \$12.50 per wk. or earnings, if less.	2/3 of difference in earnings before and after accident for duration of disability. ^{1,2}	\$2,50 annu
<u>NEW BRUNSWICK</u>				
Average earnings but not in excess of 2/3 of \$2,500	Amount determined by Board. Lump sum may be given.	2/3 of earnings for duration of disability. Minimum \$12.50 per wk. or earnings, if less.	If earning capacity diminished by more than 10%, 2/3 of difference in earn- ings before and after accident for duration of dis- ability.	\$2,50 annu
<u>QUEBEC</u>				
2/3 of earnings. Minimum \$15 per wk. or earnings, if less.	2/3 of difference in earnings before and after accident. ^{1,2}	2/3 of earnings for duration of dis- ability. Minimum \$15 per wk. or earnings, if less.	2/3 of difference in earnings before and after accident for duration of disability. ^{1,2}	\$2,50 annu

1. If earning capacity is diminished 10% or less, a lump sum may be given.
2. The minimum payable in case of partial disability is the same proportion of the minimum for total disability (see preceding column) as impairment is of full earning capacity.
3. The Board may fix compensation on basis of \$12.50 per week, even though average earnings are less than \$12.50.

<u>PERMANENT</u>		<u>TEMPORARY</u>		<u>Maximum Earnings Reckoned</u>
<u>Total</u>	<u>Partial</u>	<u>Total</u>	<u>Partial</u>	
<u>ONTARIO</u>				
Based on impaired earning capacity estimated from nature and degree of injury but not to exceed 75% of earnings. Minimum \$100 per month or earnings, if less.	Based on impaired earning capacity estimated from nature and degree of injury. If more equitable, 75% of difference in earnings before and after accident. ^{1,2.}	75% of earnings for duration of disability. Minimum \$15 per wk. or earnings, if less.	75% of difference in earnings before and after accident for duration of disability. ^{1,2.}	\$3,000 per annum.
<u>MANITOBA</u>				
2/3 of earnings. Minimum \$15 per wk. or earnings, if less.	2/3 of difference in earnings before and after accident. ¹	2/3 of earnings for duration of disability. Minimum \$12.50 per wk. or earnings, if less.	2/3 of difference in earnings before and after accident for duration of disability. ¹	\$2,500 per annum.
<u>SASKATCHEWAN</u>				
75% of earnings. ³ Minimum \$20 per wk.	Proportion of 75% of earnings based on impaired earning capacity estimated from nature and degree of injury, or if more equitable, 75% of difference in earnings before and after accident. ^{1,4.}	75% of earnings for duration of disability. Minimum \$15 per wk. or earnings, if less.	Proportion of 75% of earnings based on impaired earning capacity estimated from nature and degree of injury, or if more equitable, 75% of difference in earnings before and after accident for duration of disability. ^{1,2.}	\$3,000 per annum.

If earning capacity is diminished 10% or less, a lump sum may be given.

The minimum payable in case of partial disability is the same proportion of the minimum for total disability (see preceding column) as impairment is of full earning capacity.

Where compensation to workmen with dependants would be less than \$1,200 a year, Board may increase compensation in respect of dependants by specified monthly amounts. In such cases, total amount payable may not exceed \$1,200 a year.

If disability is 50 per cent or more, the minimum payment is a proportion of \$20 corresponding to the percentage of impairment of earning capacity; if less than 50 per cent, a proportion of \$15.

<u>PERMANENT</u>		<u>TEMPORARY</u>		<u>Maximum Earnings Reckoned</u>
<u>Total</u>	<u>Partial</u>	<u>Total</u>	<u>Partial</u>	
<u>ALBERTA</u>				
2/3 of earnings. Minimum \$15 per wk. or earnings, if less.	Proportion of 2/3 of earnings based on impaired earning capacity. ¹	2/3 of earnings for duration of disability. Minimum \$15 per wk. or earnings, if less.	Proportion of 2/3 of earnings based on impaired earn- ing capacity for duration of dis- ability.	\$2,500 p annum.
<u>BRITISH COLUMBIA</u>				
2/3 of earnings. Minimum \$12.50 per wk. or earnings, if less.	2/3 of difference in earnings before and after accident or may be based on impaired earning capacity.	2/3 of earnings for duration of disability. Minimum \$12.50 per wk. or earnings, if less.	2/3 of difference in earnings before and after accident or may be based on impaired earning capacity for duration of dis- ability.	\$2,500 annum.

1. If earning capacity is diminished 10% or less, a lump sum may be given.

NOTE:

Benefits under the Newfoundland Act will be set out in regulations of the Lieutenant-Governor in Council.

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Government
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WORKMEN'S COMPENSATION IN CANADA

A COMPARISON OF PROVINCIAL LAWS

DEPARTMENT OF LABOUR OF CANADA
LEGISLATION BRANCH

HON. MILTON F. GREGG,
MINISTER

A. MACNAMARA, C.M.G., LL.D.,
DEPUTY MINISTER

DECEMBER, 1951



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121

WORKMEN'S COMPENSATION IN CANADA

A COMPANION VOLUME TO THE WORKMEN'S COMPENSATION ACT

DEPARTMENT OF LABOUR
OTTAWA

MILTON S. GREGG

DEPARTMENT OF LABOUR

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C O N T E N T S

	<u>Page</u>
Introduction	1
Changes in 1951	2
Individual Liability	5
Dominion Government Employees	7
War Veterans	8
Blind Workmen	8
Workmen's Compensation Boards	8
Cost of Administration	9
Scope of Laws	10
Farm Labourers and Domestic Servants	12
Clerical and Casual Workers and Outworkers	13
Seamen	13
Risks Covered	14
Occupational Diseases	15
Waiting Period	16
Medical Aid	16
First Aid	19
Rehabilitation	19
Accidents Occurring Outside the Province	20
Non-resident Workmen and Dependants	22
Security for Payment of Compensation	23
Accident Prevention	24
International Labour Conventions and Recommendations ...	25
Occupational Diseases Compensated by Provinces	30
Scale of Compensation	36

WORKMEN'S COMPENSATION IN CANADA

A Comparison of Provincial Laws in December, 1951.

Introduction

Each of the ten Canadian provinces has in operation a Workmen's Compensation Act. Each Act provides that, in any industry to which the Act or the main part of it applies, workers who sustain personal injury by accident arising out of and in the course of their employment or who are disabled by specified industrial diseases are entitled to the payment of compensation. The only exceptions are: (1) where the workman is disabled for less than a stated number of days; or (2) where the injury is attributable solely to his serious and wilful misconduct and does not result in death or serious disablement.

All of these Acts are of the "collective liability" type, that is, compensation is payable by employers collectively, the industries covered by the Act being divided into groups and the employers in each group being collectively liable for the payment of compensation to the workmen employed in the industries in that group.

Employers are required to contribute to what is known as the Accident Fund, and compensation and medical aid to injured workmen are paid by the Workmen's Compensation Board out of the Fund. In all cases the province is responsible for the solvency of the Fund. No contributions from employees either directly or indirectly are permitted.

Industries are classified according to their hazard and each class is liable for the cost of accidents occurring in that class although for the purpose of compensation the Accident Fund is one. At the beginning of each year the Board is required to fix a provisional contribution rate, a percentage of payroll, for each class sufficient to meet the compensation and medical aid payments during the year. Assessments are levied and collected at the provisional rate on the employer's estimated payroll. At the end of the year the rate is adjusted according to the actual payroll and to the accident experience of the group or class.

The right to compensation is not affected by the employer's neglect or refusal to furnish information or to pay his assessment or by his insolvency. The compensation to which a workman is entitled under the Act takes the place of the workman's right of action, and he may not sue his employer or fellow employees in court for damages for an injury received in the course of employment.

All claims for compensation are heard and determined by the Workmen's Compensation Board whose decision is final and not open to question or review in any court.

Benefits under the Acts include fixed monthly payments to dependants in case of the death of the workman, weekly or bi-weekly payments to the workman for disability (usually 2/3 of average earnings but in two provinces 75 per cent of earnings), medical aid and rehabilitation. In addition to monthly benefits, a widow receives a lump sum payment and an amount for funeral expenses.

In all provinces but Prince Edward Island this compulsory State system of collective liability replaced a system of individual liability on the part of the employer as provided for in earlier statutes, but an individual liability Act is still in force to some extent in Saskatchewan. The collective liability system of State insurance was adopted in Ontario in 1914 following a comprehensive report on employers' liability for accidents by a special commissioner appointed to inquire into the subject. Nova Scotia followed Ontario's example with variations in some points in 1915, British Columbia in 1916, Manitoba in 1916 in respect to collective liability but not State insurance until 1920, Alberta and New Brunswick in 1918, Saskatchewan in 1929 and Quebec in 1931. Prince Edward Island passed its first Workmen's Compensation Act in 1949. In 1950, Newfoundland enacted a collective liability statute which went into effect on April 1, 1951. While the Acts vary from province to province in some particulars, the main principles are the same, all the Acts having been modelled on the Ontario statute. Amendments are made from time to time and there is an increasing tendency towards uniformity.

In some provinces, it is the practice to have a periodical review of the operation of the Workmen's Compensation Act and employers and employees are given an opportunity to make representations. In Alberta, a review is usually made every five years and in 1951 a special legislative committee was named for this purpose. In Saskatchewan, a committee equally representative of employers and organized employees must be appointed by the Lieutenant-Governor in Council at least every four years to review the Act. An inquiry into the Ontario Act by a judicial commissioner was completed in 1950, and in British Columbia a similar inquiry is in progress.

Only the main points of the legislation are covered in this analysis. The scale of benefits and the occupational diseases which are compensated are set out in tables at the end. A summary of the provisions of the Conventions and Recommendations of the International Labour Conference on workmen's compensation permits a comparison between I.L.O. standards and the provincial statutes.

Changes in 1951

In 1951, seven provinces, Manitoba, Newfoundland, New Brunswick, Nova Scotia, Ontario, Prince Edward Island and Saskatchewan, amended their Workmen's Compensation Acts. The

federal Government Employees Compensation Act was also amended.

Manitoba

Of the changes made in Manitoba, the most important were a reduction from 14 to 7 days in the waiting period and an increase from \$2,500 to \$3,000 in the maximum annual earnings on which compensation is based. The minimum compensation payable for temporary total disability was increased from \$12.50 to \$15 a week or the workman's full earnings, if less than that amount. Members of municipal volunteer fire brigades were brought under the Act. Employees resident in Manitoba who are engaged in the operation of an aircraft and whose employment is performed both within and without the Province were made eligible to receive compensation for an accident occurring outside the Province.

Following a 1950 amendment which broadened the definition of "industrial disease" to include any disease peculiar to or characteristic of an industrial process within the scope of Part I, the provisions respecting silicosis were amended. Now silicosis contracted in any industry under Part I is compensable instead of, as formerly, silicosis contracted in mining, and in iron, steel and metal foundries.

The Workmen's Compensation Board was given authority to establish a second injury fund. A further amendment requires all three members of the Board to retire at the age of 75. Previously, this requirement was laid down for the chairman only.

Newfoundland

The Newfoundland Act as it was passed in 1950 did not fix the benefits payable. These were set out in 1951 amendments which were assented to on April 1, at which time the Act was declared in effect.

As in most of the other provinces, a widow in Newfoundland will receive an immediate lump sum of \$100 and \$50 a month until re-marriage or death. The payment for each child under 16 is \$10 a month and for each orphan child under 16 \$20 a month. A maximum of \$125 is allowed for the funeral expenses of the workman, and where the body has to be taken a considerable distance for burial a further sum, not exceeding \$125, may be paid.

In non-fatal cases, a workman is entitled to compensation at the rate of $66 \frac{2}{3}$ per cent of his average earnings, the latter to be computed on a maximum basis of \$3,000 per year.

The waiting period is six days, that is, a workman must be disabled for more than six days in order to receive compensation from the date of the injury.

The industries covered by the Act are classified in seven groups: mining, forest products, manufacturing, construction, transportation, distribution and service, and the fishing industry. The fishing industry includes the handling, processing, canning and packing of fish and fish products on shore by persons other than the crews of fishing vessels. Masters and members of the crews of fishing vessels are still covered by the former individual liability statute which was repealed except in its application to fishermen.

New Brunswick

Amendments to the New Brunswick Act increased the maximum annual earnings on which compensation is based from \$2,500 to \$3,000 and the allowance for burial expenses from \$150 to \$200. These two changes take effect from January 1, 1952.

Nova Scotia

The Nova Scotia amendments raised the monthly benefit payable for a child under 16 in the care of a parent from \$12.50 to \$15, and the payment for an orphan child from \$22.50 to \$25.

Ontario

In Ontario, two important changes, effective from January 1, 1952, reduced the waiting period from seven to five days and increased the maximum earnings on which compensation is computed from \$3,000 to \$4,000 per year.

The maximum amount allowed for burial expenses was increased from \$125 to \$200, effective immediately. The former maximum of \$125 for transporting the workman's body was removed, and the Act now permits "a further sum" to be paid for the extra expenses involved. The amendments also increased the lump sum of \$100 payable to a widow or foster mother to \$200. From January 1, 1952, treatment by chiropodists registered under the Chiropody Act may be included under the term "medical aid".

Prince Edward Island

In Prince Edward Island, benefits were considerably increased and the waiting period was reduced from seven to four days. The amount allowed for funeral expenses was raised from \$100 to \$150. The benefit to a widow was increased from \$40 to \$50 a month, and for a child under 16 from \$10 to \$12.50 a month. Exclusive of burial expenses, the maximum compensation payable in fatal cases was fixed at 75 per cent of earnings,

instead of the previous $66 \frac{2}{3}$ per cent. The minimum payment in cases of total disability was raised from \$12.50 to \$15 a week, unless the workman's earnings are less than \$15, in which case he receives the full amount of his earnings. Several diseases were added to the schedule of diseases for which compensation is payable. A few new industries, namely, produce dealers, oil, fuel and gasoline plants, and the handling and distributing of farm machinery, were brought under the Act. Learners who are training or engaged in probationary work for positions required in the operation of railway trains were declared workmen under the Act.

Saskatchewan

In Saskatchewan, the compensation payable to a widow was raised from \$50 to \$60 a month, the highest amount payable in any province, and for a child under 16 from \$15 to \$20. The increases apply to all compensation payments made after June 1, 1951, whether the accident happened before or after that time. "Learners" who become subject to the hazards of an industry within the scope of Part I for the purpose of undergoing training or probationary work specified by the employer as a preliminary to employment were made eligible to receive compensation.

Individual Liability

A Saskatchewan Act of 1911, under which the employer was individually liable and might insure his risk in a private insurance company, was superseded with respect to most industrial workers by the statute providing for collective liability but the earlier law remains in effect with respect to certain railway workers. The Workmen's Compensation (Accident Fund) Act does not apply to men in train service but members of the unions in which these workers are organized may be brought within its scope if a majority of the members indicate by ballot their desire to that effect. The Brotherhood of Locomotive Firemen and Enginemen came under this Act on April 1, 1948, and the Brotherhood of Railroad Signalmen was admitted by an Order in Council of February 20, 1951.

In this analysis the expression "Workmen's Compensation Act" when used with respect to Saskatchewan refers only to the later collective liability statute.

In Nova Scotia, Part III of the Act provides that compensation for accidents to persons employed in fishing or dredging shall be paid by the employer, who is required to insure to the extent of his liability with an insurance company. Compensation in these industries does not include medical aid or burial expenses but in other respects is on the same scale as in other industries. Payment, however, is enforced by an action in the courts and the Workmen's Compensation Board is not concerned with it. The employer is not liable where the workman or dependants are entitled to compensation under the War Measures Act or Regulations.

As has been noted earlier in this bulletin, fishermen in Newfoundland retain the protection of the 1948 individual liability Workmen's Compensation Act.

In Ontario and Quebec, public authorities and certain corporations such as railways, shipping, telephone and telegraph companies are themselves liable to pay compensation and provide medical aid for the workmen in their employ but the amount and all other questions are determined by the Workmen's Compensation Board as in the case of accidents for which compensation is paid from the Accident Fund. Such corporations contribute their proportion of the cost of administering the Act as do also the Dominion and Provincial Governments. The individual liability of these public bodies and corporations is to be sharply distinguished from that of the railway companies under the earlier statute in Saskatchewan and from that provided for in Part II of the Act of certain provinces.

In British Columbia, Manitoba, Newfoundland, New Brunswick, Ontario and Prince Edward Island, the Workmen's Compensation Act is divided into two Parts. In Nova Scotia, as indicated above, there are three Parts. Part II of these seven statutes applies to industries to which Part I, providing for a provincial system of collective liability, does not apply. It is stipulated in Part II that a worker in an industry which is not under Part I of the Act, that is, not within the system of collective liability or of personal liability in the case of certain large employers in Ontario as administered by the Workmen's Compensation Board, has right of action against his employer for injury received in an accident caused by any defect in the machinery or plant of the employer or caused by his negligence or that of any persons employed by him. The fact that the worker continued in the employment with the knowledge of any defect or negligence is not a bar to the recovery of damages. Negligence on the workman's part may be a factor in determining the amount of damages. Thus, the workers in industries outside the workmen's compensation scheme, under which all accidents occurring to workmen within the scope of the scheme and arising in the course of employment are compensated without recourse to the law courts, are protected in some measure by the adoption of these principles which distinguish employer's liability from workmen's compensation and from the common law.

Ordinances of the Yukon and Northwest Territories make the employer individually liable to pay compensation. In the Yukon Territory, an Ordinance of 1917 applies to undertakings employing five or more workmen and to injuries causing death, or disability for 3 days or longer. An amendment of 1939 provides for compensation also for silicosis, infected blisters and poisoning from lead, arsenic and mercury. Disputed claims are settled by the Territorial Court. Compensation is \$5,000 in case of death, with \$750 for each child under 16, the total not to exceed \$8,600; \$6,000 for permanent total disablement; and fixed sums for other injuries.

Under the Ordinance, as amended in 1950, compensation for temporary total disability is a weekly payment of 66 2/3 per cent of the workman's average daily wages and for temporary

partial disability 66 2/3 per cent of the difference in average earnings before and after the accident. Compensation in either case is payable for the duration of the disability up to a maximum period of 12 months.

Further amendments require employers in the Yukon Territory, as in the Northwest Territories, to carry accident insurance for their workmen in an approved company, unless they have made other arrangements satisfactory to the Commissioner. For failure to enter into a contract of insurance an employer is liable to a fine and may also be refused a licence to carry on business.

The Northwest Territories Workmen's Compensation Ordinance requires employers to obtain accident insurance for their workmen in an approved company. If an employer fails to enter into a contract of insurance, he is liable to a fine not exceeding \$500, and, in addition, the Commissioner of the Northwest Territories may refuse to grant him a licence to carry on business or may cancel a licence if already granted. Exemption from the Ordinance is to be granted only if other arrangements satisfactory to the Commissioner have been made. The industries covered by the Ordinance and the industrial diseases for which compensation is payable were set out by regulations issued in February, 1949. With some exceptions, these are similar to the industries and diseases covered by the British Columbia Workmen's Compensation Act.

A federal individual liability statute, the Merchant Seamen Compensation Act, 1946, covers seamen who are not within the scope of a provincial workmen's compensation Act. This Act is described on page 13.

Dominion Government Employees

The Government Employees Compensation Act, 1947, which repealed an Act passed in 1918, provides that Dominion Government employees or their dependants shall be paid the same compensation, including medical and hospital expenses, as persons employed by private employers would receive under the Act of the province in which the accident occurs or the industrial disease is contracted. The amount of compensation is determined by the provincial Board and paid by the Dominion Government. Under this statute, all Dominion Government employees are eligible for compensation for accidents arising out of their employment, whether or not persons in that class of employment would be eligible under the provincial Act concerned. Officers and employees of Crown Companies may be declared by Order in Council to be "employees" under the Act. Amendments made to the Act in 1951 provide that Government employees resident in the Yukon or Northwest Territories will receive the compensation payable under the Alberta Act.

War Veterans

A policy adopted by the Dominion Government in 1921 to encourage the industrial employment of war veterans has been continued in force with modifications from time to time. Under this scheme, the Dominion Department of Veterans Affairs is authorized to reimburse the Workmen's Compensation Board concerned, or an employer who is individually liable to pay compensation, for all or part of the cost of compensation paid, including medical aid, burial expenses and other payments, with respect to an industrial accident suffered by a war veteran who is in receipt of a pension for disability of 25 per cent or more. Payment is made on receipt of a certificate from the Board or employer, setting forth the compensation paid. Reimbursement is not made in respect of an accident where compensation is payable under the Government Employees Compensation Act or any other Act or Order in Council whereby the cost of compensation is borne by the Crown in the right of Canada. The present Order in Council setting forth this policy is P.C. 6221 of December 1949.

Blind Workmen

In Alberta, Newfoundland, New Brunswick, Nova Scotia, Ontario and Saskatchewan, there are special statutes, and in Quebec there are special provisions in the Workmen's Compensation Act, dealing with compensation for blind workmen. The Newfoundland Act was passed in 1950 and has not yet been proclaimed in effect. In all these provinces, where compensation for an accident to a blind workman exceeds \$50, the Workmen's Compensation Board, or the employer if he is individually liable, is to be reimbursed from the Consolidated Revenue Fund of the Province, in Ontario for the full amount of such compensation, and in the other six provinces for the amount in excess of \$50, provided that at the time of the accident the workman was employed with the approval of an institute for the blind recognized by the Government of the Province for that purpose.

Workmen's Compensation Boards

Each Workmen's Compensation Act is administered by a board of three members, five in Quebec, called the Workmen's Compensation Board, or in Quebec, Commission who are appointed by the Lieutenant-Governor in Council. In Manitoba and Saskatchewan, only the chairman is required to devote his whole time to the work. In Alberta, British Columbia, Newfoundland, Ontario and Quebec, all members must devote the whole of their time to the duties under the Act and engage in no other employment.

In Alberta and British Columbia, the term of all members and in Saskatchewan the term of the chairman is ten years but except in Alberta they may be reappointed. In the other provinces the members hold office during good behaviour or, in Newfoundland, Ontario, Quebec and Saskatchewan, during pleasure. In Manitoba, Nova Scotia, Ontario and Prince Edward Island, all members of the Board must retire on reaching the age of 75 unless otherwise directed by the Lieutenant-Governor in Council. In British Columbia and Newfoundland a Board member may be retired at 70. The New Brunswick statute does not refer to the tenure of office of members of the Board.

The industries within the scope of each Act except that of New Brunswick are classified by the Act according to accident hazard but the Board may add to these classes or

subdivide or rearrange them and may also add to or withdraw industries from such classes. The New Brunswick statute provided that the classification should be made in the first place by the Board and the Prince Edward Island and Newfoundland Acts made similar provision. The Boards have authority to fix assessment rates appropriate to each class with preferential or merit rating in favour of industries with good accident records. They may collect assessments, determine the right to compensation and pay the amount due to workmen or dependants. The Provincial Accident Fund must be so maintained as to be sufficient to meet all claims as they arise. In all these matters, the Boards of Alberta, British Columbia, Manitoba, Newfoundland, Ontario, Quebec and Saskatchewan have exclusive and final jurisdiction but New Brunswick, Nova Scotia and Prince Edward Island allow appeals to the Supreme Court of the province, with permission of a judge of that Court, upon questions of law or jurisdiction.

In case of dispute as to the payment of any assessment or other sum or of failure to pay such sums, any Board may file an order for payment with the clerk of the court specified in the Act, whereupon as an order of the court, it may be enforced like any other judgment.

Cost of Administration

In each provincial Act except that of New Brunswick it is stipulated that the salaries of Board members and the costs of administration are to be borne by the Accident Fund. In New Brunswick, the Act provides that the salaries of Board members and other costs of administration are to be paid from the Consolidated Revenue Fund, unless the Lieutenant-Governor in Council orders payment of any portion from the Accident Fund. In most provinces a grant was made by the Government in the early years of operation to assist in organizing the work and meeting initial expenses. The Prince Edward Island Act authorizes an annual grant not exceeding \$10,000 from the Provincial Treasury, and such a grant was given in the first year of operation. The Newfoundland Act provides that a contribution from moneys voted by the Legislature may be made towards the expenses of administration of the Act, and any sum so paid, not to exceed \$25,000, must be repaid to the Minister of Finance at his request. In British Columbia, Manitoba, Nova Scotia, Ontario and Quebec, an annual grant may be made from the Consolidated Revenue Fund to assist in defraying expenses but in none of these provinces is any financial assistance now given. Where, however, the Board is charged with other duties, the expenses in connection with them are paid by the Province.

In proportion to the accidents to their own employees, however, the Governments of the Dominion and the Province contribute, like other employers who are individually liable, to the cost of administration.

In British Columbia, the Act stipulates that the Chairman's salary may not be less than \$6,000 or more than \$7,500 and the salaries of the other members not less than \$5,000 or more than \$6,000. In the other provinces, the remuneration of Board members is determined by the Lieutenant-Governor in Council. In addition to the salary thus provided for, the Manitoba Act enables the Lieutenant-Governor in Council to authorize the payment to a director giving part-time service of an allowance of \$15 for each meeting of the Board in excess of fifty which he attends in any year.

Scope of Laws

The provincial Workmen's Compensation Acts vary in scope but, in general, they all cover employment, whether by way of manual labour or otherwise, in connection with or incidental to industrial undertakings, including lumbering, mining, quarrying, fishing, manufacturing, printing, engineering and construction, plumbing, painting, decorating and renovating, transport of passengers or freight by rail or water and transport of goods by road, operation of electric power lines, telegraph and telephone systems, waterworks and other public utilities, navigation and operation of boats, tugs and dredges, of power laundries, bakeries, dairies, grain elevators, refrigeration plants or warehouses, freight or passenger elevators and of lumber, wood and coal yards, scavenging and window-cleaning, dyeing and cleaning.

Theatres and places where moving-pictures are exhibited, automobile repair shops and places for the sale of gasoline, oil, etc. are within the scope of the Act in all provinces. Shops are covered in Alberta, British Columbia, Newfoundland, New Brunswick, Prince Edward Island and Saskatchewan; hotels in Alberta, British Columbia, Newfoundland, New Brunswick, Ontario, Prince Edward Island and Saskatchewan; restaurants in Alberta, British Columbia, Newfoundland, Ontario, Prince Edward Island and Saskatchewan. Hospitals are within the scope of the British Columbia, Newfoundland, New Brunswick, Ontario and Saskatchewan Acts; nursing homes are covered in British Columbia and Saskatchewan. Radio broadcasting stations are included in Alberta, British Columbia, Newfoundland, New Brunswick and Prince Edward Island. The operation of an office building or a building rented for manufacturing is under the Ontario Act, and the maintenance or operation of commercial or apartment buildings is under the British Columbia, Newfoundland and Saskatchewan Acts. Janitors and caretakers are covered in Newfoundland and New Brunswick. Transport by air is expressly included in Alberta, British Columbia, New Brunswick, Ontario, Prince Edward Island and Saskatchewan. In Manitoba, it is included when carried on by certain subsidiaries of the Canadian Pacific Railway Company. In New Brunswick, however, the industry is only included if 200 workers are employed, and in Prince Edward Island, if 100 workers are employed. In Ontario, workers employed in transport of passengers by automobile or trolley

coach are covered by the Act if four or more are employed. Transport by bus is also included in Alberta, British Columbia and Saskatchewan.

In British Columbia, employers in practically all industries with the exception of farming are required to protect their workmen under the Act. Among the industries and occupations now covered are wholesaling, ice-harvesting, marine salvage, messenger or delivery service, funeral undertaking, blacksmithing, the non-industrial construction of buildings having a value of \$2,500 or more, and the operation of such places as golf courses, parks, horse-race courses, ice and roller-rinks, bowling-alleys and billiard-parlours, dance-halls, steam baths and beer-parlours.

There are other variations with respect to miscellaneous industries or occupations. The scope of the Acts is affected, too, through the power given in all provinces but Alberta and British Columbia to exclude small establishments. Some undertakings have been excluded unless more than a specified number are employed, e.g. power laundries and restaurants in Ontario are included only when six or more workers are employed, and repair shops only when at least four are employed.

Municipal corporations and boards are deemed to be employers under all the Acts. Municipal police and fire departments are protected in Alberta, British Columbia, Manitoba, Ontario and Saskatchewan and they may be brought within Part I of the New Brunswick, Nova Scotia and Prince Edward Island statutes.

Persons employed by the provincial Government in industries covered by the Act are declared within the scope of the Acts in British Columbia, Manitoba and Quebec. In New Brunswick and Nova Scotia, it is provided that such employees may be brought within the Act and this has been done. In Alberta, Newfoundland, Ontario, Prince Edward Island and Saskatchewan, all provincial Government employees are protected.

In every province, certain classes of workers are declared not to be within the scope of the collective liability system or of personal liability as provided for in Ontario and Quebec. Power is given to the Boards, however, to include industries or workmen not within its scope in the first instance on certain conditions. In all provinces, an industry may be brought under the Act by the Board on application of the employer. Workmen, otherwise excluded, may be declared by the Board to be within the statute in British Columbia, Manitoba, Newfoundland, New Brunswick, Nova Scotia, Prince Edward Island and Saskatchewan if the employer applies for such action. In British Columbia, industries may be admitted by the Board on application of the workmen. In Alberta, any establishment or industry may be admitted on the application of the workmen but with respect to particular classes of workers, as indicated below, only if the employer consents. Of its own motion, the Board may bring industries within the Act in Alberta, British Columbia (on such

terms and conditions as it deems proper), Manitoba, Nova Scotia, Ontario and Quebec. In Newfoundland, New Brunswick and Saskatchewan, this may be done by the Lieutenant-Governor in Council on recommendation of the Board.

On the other hand, the Board in every province but British Columbia has power to exclude any industry from the Act or, in the case of Manitoba, Newfoundland, New Brunswick, Nova Scotia, Ontario and Saskatchewan, from Part I. In Ontario, Quebec and Saskatchewan, such exclusion must be approved by the Lieutenant-Governor in Council. In Newfoundland and Ontario, the Board may exclude any particular trade or occupation from an industry in Part I.

As indicated above, undertakings in which not more than a stated number of workmen are usually employed may be excluded by order of the Board in all the provinces except Alberta and British Columbia. The Manitoba Board has not exercised its power to exclude small industries while, on the other hand, the Nova Scotia Board has excluded all industries employing less than five persons, and in Newfoundland and Prince Edward Island, all those employing less than three persons are excluded. In Newfoundland, New Brunswick, Ontario, Prince Edward Island, Quebec and Saskatchewan, regulations exclude specific industries unless a stated number of workmen are usually employed. In Newfoundland, New Brunswick, Nova Scotia and Prince Edward Island, such undertakings may be readmitted by the Board, while in Manitoba and Ontario, if an employer or workman in an undertaking so excluded notifies the Board that he wishes to be included, the undertaking must be admitted. In Quebec, only by notification by the employer is the Board required to include the undertaking in the collective liability scheme. In Saskatchewan, application by employer or workman in these cases must be approved by the Board.

Farm Labourers and Domestic Servants

Certain classes of workers, although they are expressly excluded by some of the Acts may, on certain conditions, be admitted. Among these are farm labourers, domestic servants, clerical and casual workers and outworkers.

In Manitoba, Newfoundland, New Brunswick, Nova Scotia and Prince Edward Island, the collective liability system is expressly declared not to apply to farm labourers or to domestic servants, while in Ontario, Quebec and Saskatchewan, the "industry of farming" and domestic service are excluded.

In Manitoba, Newfoundland, New Brunswick, Nova Scotia, Prince Edward Island and Saskatchewan, either of these classes, and in Ontario the farming industry, may be admitted to Part I on the employer's application. In New Brunswick and Saskatchewan, they may be brought within Part I by the Lieutenant-Governor in

Council on the Board's recommendation. Up to December 31, 1949, 308 farmers in Ontario had brought themselves within the Act.

The Alberta Act applies only to specified industries and domestic service is not mentioned. As to farm workers, the statute provides that farming or ranching may be included by the Board on the application of the employer or of a majority of the employees with the employer's consent. A small number of persons carrying on farm operations together with some other undertaking have had their employees brought within the Act.

The British Columbia Act is declared not to apply to domestic servants. Farming is not among the industries specified in the statute but under the Board's general power to declare industries or undertakings within the Act on the application of either employer or workmen, farm labourers may be brought within it.

Hence, in all provinces, except to a limited extent, farm labourers and domestic servants, or their dependants, have recourse only to an action at common law for damages for accidents arising out of employment.

Clerical and Casual Workers and Outworkers

Clerical Workers employed in industries which are within the Act are excluded from Part I of the Manitoba Act unless they are exposed to the hazards of the industry; in the other provinces, they are eligible for compensation.

Casual workers, employed otherwise than for the purpose of the employer's business, and outworkers or persons to whom work is given to be done at home, are outside the scope of the collective liability system in all provinces. In British Columbia, Newfoundland, New Brunswick, Nova Scotia, Prince Edward Island and Saskatchewan, these two classes may be brought within the scope of the Act under the conditions outlined above (see p. 11). In Alberta, casual workers may be brought under the Act on application of the employer or of the majority of the workmen if the employer consents, but outworkers are declared outside the Act.

Seamen

The Merchant Seamen Compensation Act, 1946, applies to seamen excluding pilots, apprenticed pilots and fishermen, on ships registered in Canada or chartered by demise to a resident of Canada or to one whose principal place of business is in Canada provided that the ship is engaged in trading on a "foreign" voyage or on a "home-trade" voyage as these voyages are defined in the Canada Shipping Act. The Act may be applied by the Governor in Council to seamen hired in Canada and employed on a ship registered out of Canada but operated by a resident of Canada or a person having his principal place of business in Canada.

Under this Act, the employer of a seaman injured by reason of an accident arising out of and in the course of his employment is required to pay compensation in accordance with the scale set out in the Act, and to cover his risk by insurance or other means satisfactory to the Merchant Seamen Compensation Board. Payment is made by the employer direct. No compensation is payable where a seaman or his dependants are eligible for compensation under a provincial workmen's compensation law or under the Government Employees Compensation Act.

Benefits under the Act include, in a fatal case, \$45 monthly to a widow, with \$10 for each child under 18 years, or \$20 for each orphan child, together with a maximum of \$125 for burial expenses if they are not borne by the employer in accordance with the Canada Shipping Act, and not more than \$125 for transportation and other expenses incurred in transferring the body to the place of interment. Monthly benefits in such cases may not exceed two-thirds of the seaman's average earnings. In case of total disablement, the seaman is entitled to two-thirds of his average earnings and for partial disablement, two-thirds of the difference between his average earnings before and after the accident.

Where benefits are based on average earnings, not more than \$2,500 annual earnings may be taken into account. Medical aid and compensation are payable from the date of disability if the injury disables the seaman for seven days or more.

Seamen are within the scope of the Alberta, British Columbia, Manitoba, Newfoundland, New Brunswick, Nova Scotia, Ontario, Prince Edward Island and Quebec Acts but in some provinces they have been excluded by regulation. Thus, the provisions concerning accidents occurring outside the province are of special interest in this connection (p. 20).

During the period for which duty is payable to the Sick Mariners' Fund under the Canada Shipping Act, and seamen are, therefore, eligible for medical aid under specified conditions, the British Columbia, Newfoundland, New Brunswick, Nova Scotia and Prince Edward Island Acts stipulate that medical aid is not payable under their provisions. In British Columbia, however, in 1946 seamen were made eligible under the Workmen's Compensation Act for any additional medical aid not furnished under the Canada Shipping Act. (p. 19).

Risks Covered

Where in any employment within the scope of the provincial workmen's compensation system "personal injury by accident arising out of and in the course of the employment is caused to a workman", compensation is to be paid, including cash payments, medical and surgical aid and hospital and skilled nursing services. But no compensation is payable where the injury

is attributable solely to the serious and wilful misconduct of the workman unless the injury results in death or serious disablement.

This wording of the Ontario Act is reproduced in the statutes of Prince Edward Island and Quebec and, with some slight variation, in Alberta. In British Columbia, Manitoba, Newfoundland, Nova Scotia and Saskatchewan, the law is similar but the exception in favour of a workman whose misconduct caused the injury is limited to cases where the resulting disablement is permanent. The New Brunswick Act varies from that of Ontario in stipulating that no compensation shall be paid if the injury was, in the opinion of the Board, intentionally caused by the workman or was wholly or principally due to his intoxication or serious and wilful misconduct and did not result in the workman's death.

In all the provinces but New Brunswick the word "accident" is defined to include "a wilful and an intentional act, not being the act of the workman, and a fortuitous event occasioned by a physical or natural cause". In Newfoundland, Nova Scotia and Prince Edward Island, compensation is payable for injury by lightning, and the Newfoundland, Nova Scotia, Prince Edward Island and Saskatchewan Acts expressly include frostbite resulting from the workman's employment. A special clause in the Alberta Act provides that where a workman is found dead in a place where his employment might cause him to be, it shall be presumed that his death was the result of an accident arising out of his employment unless the evidence is sufficient to rebut the presumption. A similar provision in the Newfoundland and Nova Scotia Acts applies only to a workman found dead in the underground workings of a mine, (in Nova Scotia, of a coal mine).

Occupational Diseases

In addition to accidents, certain occupational diseases give a workman right to compensation in all the provinces, "if the disease is due to the nature of any employment in which he was engaged at any time within twelve months previous to the date of his disablement whether under one or more employments". In Manitoba and Ontario, any disease peculiar to an industrial process is to be compensated. In all provinces but Alberta, it is stipulated that compensation shall not be paid if, at the time of entering into the employment, the workman had wilfully and falsely represented himself as not having previously suffered from the disease. Except in Newfoundland, New Brunswick, Nova Scotia and Prince Edward Island, the workman is ineligible for compensation only if such false representation has been made in writing.

The diseases for which compensation is payable are set out in a schedule to each Act, or in New Brunswick and Ontario in the regulations of the Board. The Board in every province is given authority to add to the schedule and in all cases other diseases have been added to the original list. In New Brunswick,

the Board was empowered to determine by regulation all the diseases to be compensated. Appended to this statement is a table showing the occupational diseases which are compensated under the provincial Acts.

In Newfoundland, New Brunswick and Prince Edward Island, the Board may require a workman in any employment to have a medical examination in order to determine whether he has an occupational disease, and if he refuses or fails to do so, the employer may not continue to employ him.

In all provinces compensation is payable for silicosis. In Alberta, British Columbia, Manitoba, Nova Scotia, Ontario, Quebec and Saskatchewan, silicosis is compensated under certain conditions, that is, the workman must have been employed for a stated period in a specified industry where he was exposed to silica dust. In Nova Scotia and Prince Edward Island, it is compensated if it occurs in any industry in which silica dust may be inhaled, and in Manitoba in any industry within the scope of Part I.

Waiting Period

Under each Act, a fixed period must elapse before compensation becomes payable. This "waiting period" varies from one to seven days, and in all provinces but Saskatchewan compensation is paid for the waiting period if disability continues beyond it. Under all the Acts medical aid is given from the date of the accident.

In Nova Scotia and Quebec, compensation is payable only if the disability continues for seven days or more, and in New Brunswick and Prince Edward Island for four days, in which case compensation is payable from the date of the disability. In Ontario, by a 1951 amendment, effective January 1, 1952, the waiting period was reduced from seven to five days.

In Alberta, British Columbia, Manitoba and Newfoundland, no compensation is payable for a disability of three days or less but if the disability lasts for more than six days in Alberta, British Columbia and Newfoundland or for more than seven days in Manitoba, compensation is payable from the date of the disability. In Saskatchewan, no compensation is payable for a disability that lasts only for the day of the accident but if the worker is disabled for any longer time, compensation is payable from and including the day after the accident.

Medical Aid

In addition to cash benefits, the cost of medical aid for injured workmen is borne by the Accident Fund for as long as needed under all the provincial Acts. In Quebec, employers who are individually liable for compensation must furnish

satisfactory medical aid or they may be ordered to pay for such aid as is procured by the workmen or the Board; in Ontario, the amount must now be paid by such employers through the Board.

In all provinces, medical aid includes medical, surgical, nursing and hospital services. In Ontario, it includes also treatment by persons registered under the Drugless Practitioners Act and the Chiropody Act and in Alberta and Saskatchewan, the term includes treatment by any person licensed under provincial law to practise the healing arts. In Manitoba, the Board may, on request of the workman, permit treatment by a registered osteopath or chiropractor. In Alberta, British Columbia and Manitoba, the Board has authority to provide transportation for an injured workman. In New Brunswick, the term "medical aid" includes transportation and the Act requires an employer to transport the workman to a hospital, physician or to the workman's home, the cost to be paid for by the Board from the Accident Fund. In Alberta, Manitoba, Newfoundland, Nova Scotia, Ontario, Prince Edward Island, Quebec and Saskatchewan, the cost of such transport must be borne directly by the employer. In Newfoundland, Nova Scotia and Prince Edward Island, if an employer fails to provide a conveyance he is liable to pay to the Board double the cost of transporting the workman.

The Boards of all provinces provide crutches, artificial limbs and other apparatus for injured workmen. In Newfoundland, Nova Scotia, New Brunswick, Ontario, Prince Edward Island, Quebec and Saskatchewan, workmen are entitled to have such apparatus kept in repair as the Board deems necessary, and in Alberta, British Columbia and Manitoba for as long as disability lasts. Alberta, British Columbia, Manitoba and Quebec provide medicine and in other provinces the cost of these may be included in the term "medical aid". In Alberta, British Columbia, Manitoba and Saskatchewan, the Board may replace and repair broken dentures, and in Newfoundland, Nova Scotia, Ontario and Prince Edward Island, the workman is entitled to such dental appliances and apparatus as may be necessary as a result of an accident and to have them kept in repair or replaced at the discretion of the Board. In New Brunswick, provision is made for dental aid. In Alberta, British Columbia, Manitoba, Newfoundland, Nova Scotia, Prince Edward Island and Saskatchewan, the Board may replace and repair eye-glasses broken by an accident arising out of employment. The Saskatchewan Board may bear the expense of the removal of infected teeth or tonsils which can be assumed to hinder an injured workman's recovery. In Ontario, provision is made in permanent total disability cases, for such other treatment, services or attendance as may be necessary as the result of the injury.

The Board is authorized to make a per diem subsistence allowance from the Accident Fund of \$2.50 in Alberta and not exceeding \$3.50 in British Columbia to a workman under treatment at a place other than that in which he resides.

As regards the choice of a physician, the statutes in New Brunswick, Ontario and Saskatchewan merely stipulate that a workman must, if required by his employer, submit to a medical examination by a physician chosen and paid by his employer but, except in New Brunswick, only in accordance with the regulations of the Board. The implication is that in the first instance he may choose his own doctor. In Quebec, the Act expressly states that a workman may select his physician. In Alberta, British Columbia and Manitoba, the Board is authorized to permit the workman to be treated by his own physician and this is the usual practice provided one reasonably near is chosen.

If so required by the Board, a workman in any province must submit to an examination by a medical referee chosen by the Board or to such other examination as the Board requires. In Alberta, in cases of dispute, the Board, after consulting the workman's physician, must nominate two recognized specialists in the class of injury or ailment for which compensation is claimed and the workman may select one of them to conduct the examination. If he fails to make a choice, the Board may make it.

In all provinces the fees for medical aid are fixed by the Board.

Employers' Schemes for Medical Aid

Employers' schemes for medical aid to their workmen may, under all the statutes except that of Ontario, be continued or put into effect if, after considering the wishes of both workmen and employer, the Board deems them to be at least as favourable to the workmen as the provisions of the Act. Such a scheme, approved by the Board and under its supervision, may replace the arrangement for medical aid in the Act. In Manitoba and New Brunswick, no private schemes have been approved by the Board. The Alberta, Newfoundland, New Brunswick, Nova Scotia, Prince Edward Island, Quebec and Saskatchewan Acts stipulate that the employer is entitled to reimbursement out of the Accident Fund or to a reduction in his assessment rate where such a scheme is in force. In British Columbia and Manitoba, the Act states that employers' schemes for medical aid may be approved subject to such conditions as the Board may impose. In Newfoundland, New Brunswick, Nova Scotia, Prince Edward Island, Quebec and Saskatchewan, contributions from workmen towards the expense of medical aid are expressly forbidden except as may be permitted under a private arrangement for furnishing medical aid approved by the Board. In Nova Scotia, schemes in the coal industry under which the miners pay the cost through a long-established arrangement with the local doctors have been permitted to continue in consideration of the employers' contributions to miners' relief societies which constitute virtually an insurance plan providing benefits in sickness and for dependants in case of death. In some districts these arrangements for medical treatment were altered so as not to apply to compensation cases.

Medical Aid for Seamen

The federal Merchant Seamen Compensation Act, 1946, which applies to seamen who are not within the scope of any provincial Workmen's Compensation Act, provides for free medical aid from the date of disability if the injury disables for seven days or more. The Act stipulates, however, that a seaman entitled to medical aid under the Canada Shipping Act is not entitled to medical aid under the 1946 statute for the same period or to the same extent.

In British Columbia, Newfoundland, New Brunswick, Nova Scotia and Prince Edward Island, the Workmen's Compensation Act stipulates that seamen on vessels on which duty is payable for the purpose of the Sick Mariners' Fund under Part V of the Canada Shipping Act shall not, during the period for which such duty is payable, receive medical aid under the Workmen's Compensation Act. In British Columbia, however, seamen are eligible under the Workmen's Compensation Act for any additional medical aid which is not furnished under the Canada Shipping Act. Under that Act, all ships arriving at any port in British Columbia, Manitoba, New Brunswick, Nova Scotia, Ontario or Quebec are required to pay a duty for the Sick Mariners' Fund but ships engaged in the coastal trade and fishing vessels are exempt.

First Aid

In all provinces, employers in industries in which it is deemed proper may be required by the Board to maintain such first-aid appliances and service as the Board may direct. In British Columbia, when the employer fails to comply with this provision the Board may install first-aid appliances and charge the cost of them to the employer. Regulations have been issued in most provinces setting out the minimum first-aid service required to be maintained according to the number of employees.

Rehabilitation

To aid in getting men back to work and in lessening any handicap, a Board may adopt any means considered expedient and pay the cost from the Accident Fund. Except in Alberta and Saskatchewan, the maximum amount that may be spent for this purpose in a year is fixed in the statute: \$5,000 in Prince Edward Island; \$15,000 in Newfoundland and New Brunswick; \$20,000 in Nova Scotia; \$75,000 in British Columbia; and \$100,000 in Ontario and Quebec. In Manitoba, the cost of vocational training for any workman may be paid from the reserve set aside for his compensation. In Alberta, provision was made in 1948 for the setting up of a reserve fund for the payment of expenses incurred by the Board in re-training and rehabilitation.

Accidents Occurring Outside the Province

In each province, the Act makes some provision for compensation to workmen who are hired by an employer in the province and who are injured in accidents occurring outside its boundaries.

The determining factors are usually the employer's place of business and the residence and usual place of employment of the workman. Although the Acts vary in wording, in general they ensure protection to such workmen and guard against any overlapping.

In Alberta, British Columbia, Ontario and Quebec, compensation is payable if the place or chief place of business of the employer and the residence and usual place of employment of the workman are in the province, and provided that the employment outside the province has immediately followed employment in the province by the same employer and lasted less than six months, or in Alberta, twelve months or longer if the Board permits. In Newfoundland, Nova Scotia and Prince Edward Island, compensation is payable if the workman's usual place of employment is in the province and employment out of the province has lasted less than six months or in the case of Newfoundland, less than eight months. In Alberta, Newfoundland, Nova Scotia, Prince Edward Island and Quebec, however, compensation is only payable in such cases if the law of the place where the accident happened grants no compensation. In Manitoba and Ontario, a workman is eligible for compensation for an accident which occurs while he is temporarily outside the province for some purpose connected with his employment provided that his employer has his place of business within its boundaries and the workman's employment usually causes him to be within the province, and if, in Manitoba, he is a resident of the province or, in Ontario, even if his residence is outside the province.

In Alberta, New Brunswick and Saskatchewan, when a workman, who is a resident of the province, is engaged in work which is performed partly within and partly without the province, the work is considered as done in the province and compensation is payable accordingly. In British Columbia, Manitoba and Ontario, a similar provision relates only to employment on a steamboat, ship or vessel or on a railway but in British Columbia also includes transport by aeroplane, truck, bus or other vehicle and in Manitoba includes operation of an aircraft. In Quebec, a like provision applies to employment in transport by land or water and in the latter case applies also to a workman hired in the province. In Ontario and Quebec, the provision applies to an accident on a vessel which is either registered in a Canadian port or whose owner or charterer has his home or principal place of business in the province. The Nova Scotia statute stipulates as regards accidents outside the province on a ship registered in Nova Scotia or operated by an employer residing or having his place of business in the province and while the ship is limited to making voyages between Nova Scotia and New Brunswick, Prince Edward Island or Newfoundland, that the employer must apply to have the industry

admitted within the Act and must pay the required assessment. Failure to do so makes him personally liable for compensation. The Prince Edward Island Act has a similar section.

In Nova Scotia and Prince Edward Island, an industry carried on outside the province may be declared by the Board, on the application of the employer, to be within the scope of Part I of the Act and compensation is payable to a workman employed in such an industry.

In British Columbia, Newfoundland, New Brunswick, Nova Scotia, Prince Edward Island, Quebec and Saskatchewan, if an employer fails to include the workmen whose work requires them to go outside the province in the report of his payroll to the Board and an accident occurs to any workman outside the province for which he is eligible for compensation, the employer is individually liable to pay such compensation. The British Columbia, Newfoundland, Nova Scotia and Prince Edward Island Boards, however, may exercise their discretion on this point according to the circumstances.

In Ontario, when the employer's place of business is not in the province, provision is made for compensation for accidents occurring outside the province under certain circumstances. If compensation is payable under the law of the place where the accident happened, compensation is not payable in Ontario whether the workman is a resident of the province or not, unless his place of employment is in the province and he was, at the time of the accident, out of the province merely for some casual purpose incidental to his employment.

In Alberta, British Columbia, Nova Scotia, Ontario, Prince Edward Island, Quebec and Saskatchewan, if an accident happening elsewhere than within the province entitles the workman to compensation under the law of another province or country in which the accident occurred as well as under the law of the province, the Act requires him to choose under which law he will claim compensation and to give notice accordingly.

Alberta, British Columbia, Manitoba, Newfoundland and Saskatchewan provide for interprovincial agreements to facilitate the handling of cases in which workmen are employed outside the Province. The Alberta Board may enter into an agreement with the Board of any other province to provide compensation for injuries to workmen who are employed under such conditions that part of their work is performed in Alberta and part in another province. The British Columbia and Newfoundland Boards may make arrangements with the Board of any other province to avoid duplication of assessments where workmen are protected by the laws of two or more provinces and may repay any other Board for any payment of compensation made under such an arrangement. In Manitoba, where a workman's employment requires him to be regularly outside the province, the Board may arrange with the employer and the Board of the other province the premium to be paid to each Board.

In Saskatchewan, the Act enables the Board, with the approval of the Lieutenant-Governor in Council, to arrange with the Boards of adjoining provinces with respect to compensation for injuries to workmen whose employment is at one time or season in one province and at another time or season in another, and also with respect to compensation for industrial diseases incurred by workmen whose employment extends across the interprovincial boundary. The Manitoba Act has a similar provision relating to industrial diseases.

Non-resident Workmen and Dependants

The question of compensation to workmen or their dependants who reside outside the province is dealt with in all the Acts. In most of the provinces such compensation is granted only on condition that similar benefits are provided for by the law of the country in which the beneficiaries reside. The higher cost of living in Canada compared with trans-Atlantic countries has also been taken into consideration and it is frequently stipulated that the amount of compensation may be adjusted on this basis.

The British Columbia law stipulates that, where compensation is payable to persons residing outside of Canada, the Board may award a smaller sum if, in its opinion, dependants can be maintained on such smaller sum in a like degree of comfort as dependants of the same class in Canada. The New Brunswick Act contains a similar provision with respect to dependent aliens residing outside of Canada.

In Quebec, dependants not residing in Canada may be awarded such sum in lieu of compensation as the Workmen's Compensation Commission deems proper.

A similar provision to that of Quebec is found in the Ontario and Saskatchewan Acts. The latter statutes, however, while giving to the Board such discretionary power, stipulate, generally, that a dependant who does not live in Canada is not entitled to compensation, unless by the law of the place or country in which he resides, the dependant of a workman to whom an accident happens in that country, if resident in Canada, would be entitled to compensation.

In Manitoba, Newfoundland, New Brunswick, Nova Scotia and Prince Edward Island, the section dealing with non-resident dependants is like that in Ontario and Saskatchewan except that in the five first-named provinces, the provision relates to dependants who do not live in the province as well as to non-residents of Canada, and in Newfoundland, New Brunswick, Nova Scotia and Prince Edward Island, the clause is permissive only. The Board is given power to order compensation to be paid in such cases. In New Brunswick, the statute requires an order in council to set out that provision is made by other provinces and countries for compensation in respect to workmen of those countries or provinces and benefits are payable to dependants resident in New Brunswick. Such an order in council was approved in February, 1919.

In the three provinces, Manitoba, Ontario and Saskatchewan, compensation awarded to non-resident dependants may not be greater than the amount of compensation that would be payable under the law of the other country if the dependant concerned under that law resided in one of these provinces and in Newfoundland, New Brunswick, Nova Scotia and Prince Edward Island, the Board may reduce the compensation in such a case to that payable under the law of the country concerned.

Security for Payment of Compensation

All the provincial statutes provide that compensation shall be paid for accidents within their scope and the province is responsible for the solvency of the Accident Fund.

Default on the part of the employer in making the required returns to the Board or in paying his assessment does not affect the payment of compensation for an accident occurring during the period of default. In such case, the employer is liable, in addition to a penalty, to pay, in Alberta not more than \$300 and in Manitoba not more than \$500, or, in either of these provinces one-half of the compensation payable. In the other provinces except Prince Edward Island, the employer is required to pay the full amount or capitalized value of the compensation as the Board determines. The Prince Edward Island Act makes the employer liable, in addition to a penalty, to pay \$100 for each week of default.

In every province where default is made in the payment of an assessment, judgment may be entered on a certificate filed in court by the Board. In Alberta, British Columbia, Manitoba, Newfoundland, New Brunswick, Nova Scotia and Prince Edward Island, the Board has right of action against the employer and in Alberta, Ontario and Saskatchewan, if an assessment remains unpaid for 30 days the amount may be collected for the Board by the municipality in the same manner as taxes.

In Quebec, assessments have priority over any lien and in British Columbia and Alberta, over any lien except one for wages. In the other provinces, where an employer would be entitled to a lien the owner of the property is liable for the assessment or to a penalty if he fails to see that the employer pays it.

All the Acts provide that in the case of the death of the employer or of an assignment or winding up of a company the amount of any assessment or compensation for which the employer was liable shall be included among the debts, such as legal costs, taxes or wages, which, under the provincial statutes governing the distribution of estates in such cases, have priority over other claims against the property of the employer. The Dominion Bankruptcy Act stipulates that, subject to the provincial laws concerning (1) taxes or rates on the property of the debtor and (2) as to rent, and after costs and fees of bankruptcy proceedings are provided for, all wages earned during the preceding three months and any indebtedness under a provincial Workmen's Compensation Act shall have first claim on the property.

Accident Prevention

The Board in each province, except Manitoba, and any person appointed by the Board have authority to inspect the premises of any employer within the scope of the Act to ascertain whether proper precautions are being taken to prevent accidents and whether the safety appliances or safeguards required by law are being used. In Manitoba, the provincial Department of Labour is responsible for accident prevention work.

In Alberta, British Columbia, Newfoundland and Saskatchewan, the Board may determine the measures to be adopted or the safety devices to be installed for the prevention of accidents and diseases, making general or special rules for that purpose. Before adopting such rules, the British Columbia Board must arrange for them to be considered at a public hearing of which ten days' notice must be given and the Newfoundland and Saskatchewan Boards may hold a conference with a committee consisting of not more than five employers and an equal number of workmen in the industries affected by the regulations. In all these provinces and in Prince Edward Island, the Board may order an employer to install in his plant, within a specified time, any safety device which in its opinion is necessary. In British Columbia, Newfoundland and Saskatchewan, the Board may maintain museums or places for the exhibition of safety devices, publish and distribute bulletins on accident prevention, arrange for lectures on the causes and prevention of industrial accidents and diseases and appoint advisory committees on which employers and workmen are represented to assist the Board in establishing standards of safety and to recommend rules for that purpose. The Alberta Board has similar power to carry on education and instruction in accident prevention. Safety regulations have been made by the Boards of both Alberta and British Columbia. An accident prevention committee must be organized in every plant employing, in Alberta, 10 or more workmen, or in British Columbia, 20 or more.

In Newfoundland, New Brunswick, Nova Scotia, Ontario, Prince Edward Island and Quebec, associations of employers, and in Saskatchewan associations of employers and workmen, in any of the classes into which they are divided for purposes of assessment may make rules for accident prevention. In New Brunswick and Nova Scotia, one accident prevention association covers the province. In Ontario and Quebec, certain classes are organized separately, construction, pulp and paper, lumbering, mining and electrical work in Ontario and pulp and paper, lumbering and public utilities in Quebec. Employers in other classes in each province are associated in one body.

If the Newfoundland, Nova Scotia and Prince Edward Island Boards approve the rules, they become binding upon all employers in the class or classes whether members of the association or not. In New Brunswick, Ontario, Quebec and Saskatchewan, if the Board considers the association to be sufficiently representative of the employers affected and approves their rules, they become binding if they are approved also by the Lieutenant-Governor in Council.

Where an association appoints safety inspectors, the Board in any of these provinces may pay the whole or part of their salaries out of the Accident Fund. A special grant may also be made towards the expenses of an association. Monies paid by the Board, under these provisions, are to be charged to the classes represented by the association concerned.

In Alberta, British Columbia and Prince Edward Island, if the Board considers that an accident is due to the inexcusable failure of an employer to comply with the regulations or with the directions of the Board, it may, in British Columbia, collect from the employer the amount of the compensation payable, not exceeding \$300 in any case, and in Alberta and Prince Edward Island, a sum not exceeding one-half of the amount of compensation payable. The Alberta Board may increase the assessment of an employer if it considers that precautions against accidents are not sufficient or that working conditions are not safe.

In British Columbia and Manitoba, where an industry is so circumstanced or conducted that the hazard is either greater or less than the average of the class to which the industry belongs, the Board may fix a higher or lower rate according to the hazard. In New Brunswick, the rate may be increased where the hazard is greater than the average of the class owing to the manner in which the industry is carried on.

The Acts of all provinces except Prince Edward Island permit the Board to adopt a system of merit or experience rating. Moreover, in Ontario, Quebec and Saskatchewan, if the accident record is high in any industry and if proper precautions are not taken or if the machinery, appliances, etc., are defective or inadequate, the Board may increase the employer's assessment so long as such conditions exist, or the Board may exclude the industry from the class in which it has been placed and make the employer individually liable for compensation. In Prince Edward Island, an employer who disregards the recommendations of the safety officer authorized by the Board to inspect his premises is liable to have his assessment rate raised or if the hazard is not removed, to be restrained from carrying on operations.

Conventions and Recommendations
of the International Labour
Conference

Accidents

The International Labour Conference at its 1925 Session adopted three Conventions and four Recommendations concerning workmen's compensation. The 1925 Convention (No. 18) concerning compensation for occupational diseases was revised in 1934 (No. 42) to cover additional diseases.

The Convention (No. 17) relating to industrial accidents requires that workmen's compensation laws shall apply to all workmen, employees and apprentices employed in a public or private undertaking with the exception, where deemed desirable by the Legislature, of casual workers employed otherwise than for the purposes of the employer's business, out-workers, members of the employer's family working exclusively for and residing with him, and non-manual workers whose remuneration exceeds a limit determined by national legislation.

The Convention does not apply to agriculture, which is covered by a 1921 Convention, nor to seamen or fishermen, nor to persons covered by special schemes whose terms are not less favourable than those of the Convention.

The Convention requires compensation, in fatal and permanent disability cases, to be paid periodically except where the authorities are satisfied that a lump sum will be properly used. Compensation must be payable from not later than the fifth day after the accident and additional compensation must be given where the injured person requires the constant help of another person. A workman is entitled to medical, surgical and pharmaceutical aid, and to the supply and normal renewing of artificial limbs and surgical appliances or to a money payment in place of them. Provision must be made to ensure the payment of compensation in the event of the employer or insurer becoming insolvent.

The Convention leaves each country free to determine whether compensation shall be payable directly by the employer or by an accident or sickness insurance institution.

This Convention has been ratified by 24 States. It can be ratified by Canada only if the Dominion, provincial and territorial laws comply with its standards. The most outstanding differences are in scope. The Convention includes domestic servants which are nowhere included in Canada. It applies also to industrial undertakings irrespective of the number employed, to commercial establishments, such as shops, hotels, restaurants, places of amusement, banks and offices of various kinds, to hospitals and other institutions of a commercial or of a non-profit nature.

The scope of the Canadian Acts is set out on p. 10.

Agriculture

Convention (No. 12), adopted at the 1921 Session of the Conference, requires all agricultural wage-earners to be included within the scope of workmen's compensation. This Convention has been ratified by 25 countries including the United Kingdom and New Zealand.

In Canada, farm workers are not compensatable except to a very small extent. However, in several provinces agricultural workers may be brought within the scope of the Act either by regulation of the Board or by Order in Council, (p. 12).

Occupational Diseases

The 1925 Convention providing for compensation for poisoning by lead or its alloys or compounds, poisoning by mercury or its amalgams and compounds, and for anthrax infection was ratified by 30 States. The 1934 Convention has been ratified by 21 States, including the United Kingdom.

This Convention requires compensation to be paid in case of death or disability from any of the specified diseases in accordance with the general principles of the legislation providing for compensation for industrial accidents and at rates not less than those prescribed for accidental injury. In addition to the three diseases specified above, the 1934 Convention applies to silicosis, poisoning by phosphorus or arsenic or their compounds, poisoning by benzene or its homologues and their nitro and amido-derivatives or by the halogen derivatives of hydro-carbons of the aliphatic series, pathological manifestations due to radium or other radio-active substances or to X-rays, and primary epitheliomatous cancer of the skin.

Only Ontario and Saskatchewan provide compensation for all these diseases. For the diseases compensatable in each province, see p. 30.

A Recommendation (No. 24) of the 1925 Conference is to the effect that each State should adopt a simple procedure for revising the list of diseases for which compensation is payable. In Canada, all provinces may add to the list by regulation of the Workmen's Compensation Board.

Minimum Scale of Compensation

The Recommendation (No. 22) concerning the Minimum Scale of Workmen's Compensation proposes for permanent total incapacity a periodical payment equal to two-thirds of the workmen's annual earnings and in case of temporary total incapacity a daily or weekly payment equivalent to two-thirds of the workmen's basic earnings as calculated for purposes of compensation. In case of permanent or temporary partial incapacity, the benefit proposed is a proportion of the periodical payment due in the event of permanent or temporary total incapacity, respectively calculated in reference to the reduction in earning power.

Where periodical payments are made, the maximum yearly total paid to all dependants should not be less than two-thirds of the annual earnings of the deceased workman. Where compensation is paid in a lump sum, the maximum payable to all dependants should not be less than the capitalized value of periodical payments equivalent to two-thirds of the annual earnings.

The Recommendation further proposes that provision be made for the vocational re-education of injured workmen, and institutions which undertake such re-education should be encouraged by the Government.

Those entitled to be regarded as dependants under the Recommendation include at least the consort, children under 18 and invalid children over that age, dependent grandchildren and brothers and sisters within the same age-limits, and dependent parents and grandparents.

In the Canadian provinces compensation is payable on at least as high a scale except that in all provinces a limit is placed on the maximum earnings which may be taken into account when calculating compensation. Further, compensation is normally paid only in respect of children under 16 except in Alberta, New Brunswick, and Quebec where the normal age is 18. In New Brunswick, however, payments cease if the child does not attend school up to 18 years. Exceptions are made for invalid children in all provinces and in British Columbia, Manitoba, Newfoundland, Nova Scotia, Ontario, Prince Edward Island and Saskatchewan, for children continuing their education up to 18 years of age.

Equality of Treatment for National and Foreign Workers

The Convention (No. 19) concerning Equality of Treatment for National and Foreign Workers as regards Workmen's Compensation for Accidents has been ratified by 40 countries, including the United Kingdom.

This Convention requires each State which ratifies it to grant to the nationals of any other State which ratifies the Convention the same treatment in regard to compensation for accidents happening in its territory as it accords to its own nationals. This treatment is to be given to foreign workers and their dependants without any conditions as to residence. Special arrangements between the States concerned are to regulate, if necessary, the payments to be made outside the territory of any Member State. Agreements may be made between Member States providing that compensation for accidents happening to workers who are temporarily or intermittently employed in the territory of one Member, on behalf of an undertaking situated in the territory of another Member, shall be governed by the laws of the latter Member State.

The Canadian provisions relating to Equality of Treatment are stated on page 22.

The Recommendation (No. 25) on the same subject is to the effect that measures should be taken to facilitate the payment of compensation to foreign workers, and that in case of dispute concerning the non-payment or reduction of compensation due to a person residing elsewhere than in the territory where his claim originated, facilities should be afforded for taking legal proceedings in such territory without requiring the attendance of the person concerned.

Jurisdiction in Disputes

Recommendation No. 23 relates to jurisdiction in disputes concerning workmen's compensation. Since such disputes turn not only on the interpretation of laws and regulations but also on questions of an occupational character requiring a thorough knowledge of working conditions, it is recommended that every dispute relating to workmen's compensation should be dealt with by a special court or board of arbitration comprising, with or without the addition of regular judges, an equal number of employers' and workers' representatives nominated or appointed to act as adjudicators by their respective organizations or elected by bodies of employers and workmen. Where such disputes are dealt with by ordinary courts of law, the courts should be required to hear employers' and workers' representatives as experts in cases involving questions of an occupational character and, in particular, the question of degree of incapacity.

Occupational Diseases

The following table shows the diseases for which compensation is payable under the Workmen's Compensation Acts by provinces but in Manitoba and Ontario any disease peculiar to an industrial process or occupation is to be compensated:

Aero 'otitis' media in any process in which rapid alteration in atmospheric pressure is encountered	) ) )	British Columbia
Anthrax)	
Arsenic poisoning or its sequelae)	
Lead poisoning or its sequelae	)	All provinces
Mercury poisoning or its sequelae)	
Phosphorus poisoning or its sequelae)	
Ammonia poisoning or its sequelae	) )	New Brunswick, Prince Edward Island, Saskatchewan
Ankylostomiasis	) ) )	British Columbia, Manitoba, Newfoundland, Nova Scotia, Ontario, Saskatchewan
Asbestosis	)	British Columbia, Quebec
Asthma and respiratory irritations due to exposure to organic or fibrous dusts, as in handling grain, furs, feathers, cedar, mahogany, wool, rock-wool, asbestos or wood	) ) ) ) ) )	British Columbia
Benzene (benzol) poisoning and poisoning by its homologues, nitro and amino-derivatives, anilin and others	) ) ) ) )	Alberta, British Columbia, Manitoba (munition making), Newfoundland, Ontario, Quebec, Saskatchewan
Brass, zinc or nickel poisoning or its sequelae	) )	Newfoundland, New Brunswick, Ontario, Quebec, Saskatchewan
Bronchitis and pulmonary oedema in any process using oxyacetylene or electric arc for cutting or welding	) ) )	British Columbia
Bursitis (see also Cellulitis)	) )	Newfoundland, Ontario, Prince Edward Island, Quebec, Saskatchewan
- acute, elbow	) )	British Columbia, Newfoundland, New Brunswick, Nova Scotia
- prepatellar	)	British Columbia, New Brunswick

cadmium poisoning	) Ontario, Quebec, Saskatchewan
cancer arising from the manufacture, handling or use of pitch or tar	) Newfoundland)
cancer, epitheliomatous, or ulceration of the skin or cornea due to tar, pitch, bitumen, mineral oil or paraffin, or any compound, product or residue of any such substance	) ) ) Nova Scotia, Ontario, Prince Edward Island, Saskatchewan)
carbon bisulphide poisoning or its sequelae	) British Columbia, Newfoundland,) New Brunswick, Ontario, Prince Edward Island, Saskatchewan
carbon dioxide poisoning or its sequelae	) Newfoundland, New Brunswick,) Ontario, Saskatchewan
carbon monoxide poisoning or its sequelae	) British Columbia, Newfoundland,) New Brunswick, Ontario, Quebec,) Saskatchewan
cellulitis, subcutaneous, hand	) Alberta, British Columbia,) Newfoundland, Nova Scotia
-, - -, patella	) British Columbia, Newfoundland,) Nova Scotia
chlorinated hydro-carbons (carbon tetrachloride, trichlorethylene, tetrachlorethane, trichloronaphthalene and others), poisoning by or its sequelae	) ) British Columbia, Ontario,) Quebec, Saskatchewan))
chlorine poisoning	) Saskatchewan
chrome poisoning	) Newfoundland, Ontario, Quebec,) Saskatchewan
chromium and its compounds, dermatitis in any process using	) British Columbia)
circulatory disturbances of the extremities in any process involving muscular effort at low temperatures or handling cold materials	) ) British Columbia))
compressed air illness	) British Columbia, Newfoundland,) New Brunswick, Ontario, Quebec,) Saskatchewan

Conjunctivitis from exposure to dust from))
spices, dust, heat, gases, fumes,	) British Columbia
vapours, mists or smoke)
Conjunctivitis and/or retinitis due to	) British Columbia, Manitoba,
electro- and oxy-acetylene welding	) Newfoundland, New Brunswick,
	) Ontario, Prince Edward Island
	) Quebec, Saskatchewan
Cyanide, dermatitis in any process	) British Columbia
involving the use of)
Cyanide poisoning	) Saskatchewan
Dermatitis and occupational ulcerations	) Manitoba
and infections of the skin)
Dermatitis and infection of skin or)
contact surfaces due to oils, cutting	) Alberta
compounds or lubricants, dust,)
liquids, fumes, gases or vapours)
Dermatitis in any process involving)
contact with chemicals such as acids,)
alkalis or salts, solvents, disin-)
fectants, asphalt, creosote, coal-tar)
products, wood preservatives, sugar,)
soap, glue, cement, lime, sulphur,)
sulphur gases, cutting oils or petro-)
leum products, alder, cedar or cedar-)
bark fluff, hemlock, mahogany, spruce,)
teak, poison ivy, poison oak, ragweed,)
or other plant life poisonous to human	) British Columbia
beings, hides, uncooked meats, fish or)
poultry, cloth, jute, hemp, dirty linen,)
rags or sacks, spices or essential oils;)
in any process in manufacturing or)
handling cheese or cereals; in picking,)
packing or canning of fruits or)
vegetables; in handling copra; in)
manufacture or use of rock-wool,)
slag-wool, glass-wool, silica or)
silicates; in manufacturing brooms or)
brushes; in any process using dyes,)
inks or pigments; in any process using)
thioglycolates or other irritant)
substances in hairdressing; in any)
process where there is exposure to)
rubber, leather, plastics, paper, or)
dust from any of them; or from any)
allergic reaction to drugs such as)
penicillin, streptomycin and metaphen)

dermatitis venenata in any process involving use of or contact with acids and alkalis or acids and oils or other irritants capable of causing it	) Newfoundland, Nova Scotia,) Ontario, Prince Edward Island,) Quebec, Saskatchewan)
formaldehyde poisoning	) British Columbia, Saskatchewan
frostbite	) Newfoundland, Nova Scotia,) Prince Edward Island,) Saskatchewan
gastric irritation in any process using oxyacetylene gas or electric arc for cutting or welding	) ) British Columbia)
glaucomas	) Alberta, New Brunswick,) Saskatchewan
heat exhaustion	) British Columbia
infection from handling sugar	) New Brunswick
infected blisters from any process involving continuous friction, rubbing or vibration	) British Columbia,) Newfoundland, Ontario, Prince) Edward Island, Quebec,) Saskatchewan
inflammation of the synovial lining of the wrist joint and tendon sheaths (tenosynovitis of the wrist)	) British Columbia,) Newfoundland, Ontario, Quebec,) Saskatchewan
inflammation and its compounds, dermatitis in any process using	) British Columbia)
metal-fume fever in any process involving welding on galvanized material or exposure to the oxides of zinc, manganese, cadmium, chromium or copper	) ) British Columbia))
miners' phthisis	) Saskatchewan
nickel and its compounds, dermatitis in any process using	) British Columbia)
nitrous fumes, poisoning by, or its sequelae	) British Columbia, Manitoba,) (munition making), Newfoundland,) Ontario, Quebec, Saskatchewan
petroleum and products, respiratory, gastro-intestinal, nerve and eye disorders due to	) ) Saskatchewan)

Pneumoconiosis in quarrying, cutting,) Newfoundland, Ontario.
crushing, grinding or polishing of stone)
or grinding or polishing of metal)

Pneumoconiosis (in Alberta, deemed to be)	
silicosis, siderosis, lithosis) in)	
mining; and in quarrying, cutting,	)	Alberta, Quebec,
crushing, grinding or polishing of	)	Saskatchewan
stone or grinding or polishing of metal)	
(in Quebec, also in smelting of metal)	
and in potteries))	

Pneumoconiosis in monument lettering and setting, stone dressing and cutting, sand-blasting, reduction and smelting of ores, manufacture of alabastine, lime and gypsum products, sewer-construction, road-construction, quarrying or tunneling, grinding or polishing of stone or metal castings, or any process in any foundry or other manufacturing operation where there is exposure to pneumoconiosis-producing dust) British Columbia

Poisoning in any process involving use of)	
a volatile solvent (in assembling or)	
repairing motor-vehicles, or in making)	British Columbia,
paints, paint removers or water-proof)	Saskatchewan
fabrics, printing, dry cleaning, welding)	
or gasoline blending - Saskatchewan))	

Poisoning in any process where there is exposure to methyl chloride) British Columbia)

Poisoning caused by chemicals used in the) New Brunswick
painting industry)

Pulmonary and respiratory irritation from) British Columbia
exposure to vapours, mists or dust)

Respiratory disease due to inhalation of)
materials in non-offset sprays in) Ontario
printing industry)

Rhinitis from contact with allergens or chemical vapours or dust) British Columbia)

Seal finger in handling seals or seal products .) Newfoundland)

Silicosis	) New Brunswick, Nova Scotia,) Prince Edward Island
Silicosis in mining	) Newfoundland, Ontario
Silicosis in any industry under Part I of the Act	) Manitoba)
Silicosis in mining, quarrying, cutting, crushing, grinding or polishing of stone, or grinding or polishing of metal (also smelting of metal - Québec)	) Alberta, Quebec,) Saskatchewan)
Silicosis in steel-sharpening in metalliferous-mining; grinding, repairing or handling tools or machinery in mine operations; ore- crushing or rock-crushing; or any work in mining where there is exposure to silica dust	) ) ) British Columbia)))))
Silicosis in making pottery	) Quebec
Stone workers' or grinders' phthisis	) Newfoundland, Ontario,) Saskatchewan
Sulphur poisoning or its sequelae	) New Brunswick, Prince) Edward Island
Sulphur poisoning in coal mining	) British Columbia
Sulphuric, hydrochloric or hydrofluoric acid, poisoning by	) Saskatchewan)
Tooth-erosion due to exposure to acid fumes or mist	) British Columbia)
Tuberculosis from employment in hospitals, sanatoria or clinics under the Act; in public health units of Province, University of British Columbia, municipality, school board or branch of Victorian Order of Nurses	) ) ) British Columbia))))
Tuberculosis contracted by a workman employed in a hospital, sanatorium or sanitarium to which Part I of the Act applies or in a provincial laboratory	) ) Ontario))
Ulceration of mucous membrane of the throat and nose due to exposure to acid fumes or mist	) ) British Columbia)

Undulant fever	) British Columbia, Prince) Edward Island
Vascular disturbances in the extremities due to continuous vibration of machines or power tools (in Saskatchewan, upper extremities)	) ) British Columbia,) Saskatchewan)
Wood alcohol, poisoning by	) British Columbia,) Saskatchewan
X-rays, radium or other radio-active substances, any disease due to exposure to	) Ontario, Quebec (ulceration) or malignant disease),) Saskatchewan
X-ray apparatus in industry, or operation where X-ray or radium is used in hospitals under the Act, cutaneous, circulatory or blood-cell lesions or endocrine change from	) ) ) British Columbia))

Scale of Compensation

The table shows the benefits payable. Periodical payments may be commuted for a lump sum on certain conditions. In all provinces compensation is paid in respect of a foster-mother at the same rate as a widow with one or more children for as long as payments to the children continue.

1. MONTHLY BENEFITS TO DEPENDANTS IN CASE OF DEATH OF WORKMAN

Widow or Invalid Widower	<u>C H I L D R E N</u>		Where only dependants are other than consort & child	<u>Maximum</u>
	<u>With Parent</u>	<u>Orphans</u>		
<u>NEWFOUNDLAND</u>				
\$50 plus sum of \$100	Under 16, \$10 each ¹	Under 16, \$20 each ¹	Sum reasonable and in proportion to pecuniary loss ²	2/3 of earnings. ³ Minimum of \$50 to consort, \$10 to each child or \$20 to orphan child unless total benefits exceed \$100.
<u>PRINCE EDWARD ISLAND</u>				
\$50 plus sum of \$100	Under 16, \$12.50 each. ¹ Maximum to consort and children, \$100	Under 16, \$20 each. ¹ Maximum \$80	As in Newfoundland. Maximum to parent or parents, \$30. Maximum in all, \$45 ²	75% of earnings ³
<u>NOVA SCOTIA</u>				
\$50 plus sum of \$100	Under 16, \$15 each. ¹ Maximum to consort and children, \$110	Under 16, \$25 each. ¹ Maximum \$100	As in P.E.I. ²	2/3 of earnings ³
<u>NEW BRUNSWICK</u>				
\$40 plus sum of \$100	Under 18, if attend- ing school, \$10 each ¹	Under 18, if attend- ing school, \$20 each ¹	As in Newfoundland ²	2/3 of earnings ³
<u>QUEBEC</u>				
\$45 plus sum of \$100	Under 18, \$10 each ¹	Under 18, \$15 each ¹	As in Newfoundland ²	2/3 of earnings. Minimum \$55 to consort and one child, \$65 if more ³

In Manitoba, Newfoundland, Nova Scotia, Ontario, Prince Edward Island and Saskatchewan payments to children may be made up to 18 years if desirable to continue education. In Alberta, Newfoundland, New Brunswick, Nova Scotia, Prince Edward Island, Quebec and Saskatchewan payments to invalid children are continued so long as Board considers workman would have contributed to support. In British Columbia, Manitoba and Ontario, payments are continued until recovery.

In all provinces compensation in these cases is continued only so long as Board considers workman would have contributed to support.

For maximum earnings that may be reckoned, see Table 2, Column 5.

For cost of transporting body from place of death to place of interment, \$125 may be paid in Newfoundland and New Brunswick, and in British Columbia \$100 may be paid for transportation to a point within the province. In Manitoba \$100 may be paid for transportation. In Ontario, a further sum, to be determined by the Board, may be paid.

<u>Funeral</u>	<u>Widow or Invalid Widower</u>	<u>CHILDREN</u>		<u>Where only dependants are other than consort & child</u>	<u>Maximum</u>
		<u>With Parent</u>	<u>Orphans</u>		
<u>ONTARIO</u>					
\$200 ⁴	\$50 plus sum of \$200	Under 16, \$12 each ¹	Under 16, \$20 each ¹	As in Newfoundland. ² Maximum \$100	Average earnings Minimum of \$50 to consort, \$12 to each child or \$ to orphan child less total bene- fit exceed \$100 ³
<u>MANITOBA</u>					
\$150 ⁴	\$50 plus sum of \$100	Under 16, \$12 each ¹	Under 16, \$20 each ¹	As in Newfoundland. Maximum \$30 each. Maximum in all, \$60 ²	2/3 of earnings Minimum \$12.50 per week if one child; \$15 if more ³
<u>SASKATCHEWAN</u>					
\$175	\$60 plus sum of \$100	Under 16, \$20 each ¹	Under 16, \$25 each ¹	As in Newfoundland ²	Average earnings but minimum \$60 to widow or invalid widower \$80 to widow or widower and one child; \$90, if more children ³
<u>ALBERTA</u>					
\$175	\$50 plus sum of \$100	Under 18, \$15 plus \$10 if attending school between 16 and 18 years ¹	Under 18, \$15 plus an amount not exceed- ing \$10 ¹	As in Newfoundland. Maximum to parent or parents \$50. Maximum in all, \$85	
<u>BRITISH COLUMBIA</u>					
\$150 ⁴	\$50 plus sum of \$100	Under 16, \$12.50 each ¹ ; if attend- ing school \$12.50 between 16 and 18 years.	Under 18, \$20 each ¹ \$17.50 if able to attend school be- tween 16 and 18 years and not attending.	(a) As in Newfoundland. Maximum \$40 to parent or parents. Maximum in all, \$55. (b) if there is widow or invalid widower or orphans, maximum to parent or parents, \$40 ²	

1. In Manitoba, Newfoundland, Nova Scotia, Ontario, Prince Edward Island and Saskatchewan payments to children may be made up to 18 years if desirable to continue education. In Alberta, Newfoundland, New Brunswick, Nova Scotia, Prince Edward Island, Quebec and Saskatchewan payments to invalid children are continued so long as Board considers workman would have contributed to support. In British Columbia, Manitoba and Ontario, payments are continued until recovery.
2. In all provinces compensation in these cases is continued only so long as Board considers workman would have contributed to support.
3. For maximum earnings that may be reckoned, see Table 2, Column 5.
4. For cost of transporting body from place of death to place of interment, \$125 may be paid in Newfoundland and New Brunswick, and in British Columbia \$100 may be paid for transportation to a point within the province. In Manitoba \$100 may be paid for transportation. In Ontario, a further sum, to be determined by the Board, may be paid.

2. BENEFITS IN CASE OF DISABILITY

<u>PERMANENT</u>		<u>TEMPORARY</u>		<u>Maximum Earnings Reckoned</u>
<u>Total</u>	<u>Partial</u>	<u>Total</u>	<u>Partial</u>	
<u>NEWFOUNDLAND</u>				
earnings. m \$65 per or earnings, s.	2/3 of difference in earnings before and after accident. ^{1,2}	2/3 of earnings for duration of disability. Minimum \$12.50 per wk. or earnings, if less.	2/3 of difference in earnings before and after accident for duration of disability. ^{1,2}	\$3,000 per annum.
<u>PRINCE EDWARD ISLAND</u>				
earnings. m \$15 per earnings, s. ³	2/3 of difference in earnings before and after accident. ^{1,2,3}	2/3 of earnings for duration of dis- ability. Minimum \$15 per wk. or earnings, if less. ³	2/3 of difference in earnings before and after accident for duration of disability. ^{1,2,3}	\$2,500 per annum.
<u>NOVA SCOTIA</u>				
earnings. m \$75 per	2/3 of difference in earnings before and after accident. If disability 25% or more, average earnings must be taken as not less than \$18.75 per wk. ¹	2/3 of earnings for duration of dis- ability. Minimum \$12.50 per wk. or earnings, if less.	2/3 of difference in earnings before and after accident for duration of disability. ^{1,2}	\$2,500 per annum.
<u>NEW BRUNSWICK</u>				
ge earnings t in excess of \$3,000	Amount determined by Board. Lump sum may be given.	2/3 of earnings for duration of disability. Minimum \$12.50 per wk. or earnings, if less.	If earning capacity diminished by more than 10%, 2/3 of difference in earn- ings before and after accident for duration of dis- ability.	\$3,000 per annum.
<u>QUEBEC</u>				
earnings. m \$15 per earnings, s.	2/3 of difference in earnings before and after accident. ^{1,2}	2/3 of earnings for duration of dis- ability. Minimum \$15 per wk. or earnings, if less.	2/3 of difference in earnings before and after accident for duration of disability. ^{1,2}	\$2,500 per annum.

If earning capacity is diminished 10% or less, a lump sum may be given.

The minimum payable in case of partial disability is the same proportion of the minimum for total disability (see preceding column) as impairment is of full earning capacity.

The Board may fix compensation on basis of \$15 per week, even though average earnings are less than \$15.

PERMANENT

TEMPORARY

Maximum
Earnings
Reckoned

Total

Partial

Total

Partial

ONTARIO

Based on impaired earning capacity estimated from nature and degree of injury but not to exceed 75% of earnings. Minimum \$100 per month or earnings, if less.

Based on impaired earning capacity estimated from nature and degree of injury. If more equitable, 75% of difference in earnings before and after accident.^{1,2}

75% of earnings for duration of disability. Minimum \$15 per wk. or earnings, if less.

75% of difference in earnings before and after accident for duration of disability.^{1,2}

\$4,000
annum.

MANITOBA

2/3 of earnings. Minimum \$15 per wk. or earnings, if less.

2/3 of difference in earnings before and after accident.¹

2/3 of earnings for duration of disability. Minimum \$15 per wk. or earnings, if less.

2/3 of difference in earnings before and after accident for duration of disability.¹

\$3,000
annum.

SASKATCHEWAN

75% of earnings.³ Minimum \$20 per wk.

Proportion of 75% of earnings based on impaired earning capacity estimated from nature and degree of injury, or if more equitable, 75% of difference in earnings before and after accident.^{1,4}

75% of earnings for duration of disability. Minimum \$15 per wk. or earnings, if less.

Proportion of 75% of earnings based on impaired earning capacity estimated from nature and degree of injury, or if more equitable, 75% of difference in earnings before and after accident for duration of disability.^{1,2}

\$3,000
annum.

1. If earning capacity is diminished 10% or less, a lump sum may be given.
2. The minimum payable in case of partial disability is the same proportion of the minimum for total disability (see preceding column) as impairment is of full earning capacity.
3. Where compensation to workman with dependants would be less than \$1,200 a year, Board may increase compensation in respect of dependants by specified monthly amounts. In such cases, total amount payable may not exceed \$1,200 a year.
4. If disability is 50 per cent or more, the minimum payment is a proportion of \$20 corresponding to the percentage of impairment of earning capacity; if less than 50 per cent, a proportion of \$15.

<u>PERMANENT</u>		<u>TEMPORARY</u>		<u>Maximum Earnings Reckoned</u>
<u>Total</u>	<u>Partial</u>	<u>Total</u>	<u>Partial</u>	
<u>ALBERTA</u>				
of earnings. um \$15 per earnings, s.	Proportion of 2/3 of earnings based on impaired earning capacity. ¹	2/3 of earnings for duration of disability. Minimum \$15 per wk. or earnings, if less.	Proportion of 2/3 of earnings based on impaired earn- ing capacity for duration of dis- ability.	\$2,500 per annum.
<u>BRITISH COLUMBIA</u>				
of earnings. um \$12.50 t. or gs, if	2/3 of difference in earnings before and after accident or may be based on impaired earning capacity.	2/3 of earnings for duration of disability. Minimum \$12.50 per wk. or earnings, if less.	2/3 of difference in earnings before and after accident or may be based on impaired earning capacity for duration of dis- ability.	\$2,500 per annum.

earning capacity is diminished 10% or less, a lump sum may be given.

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**WORKMEN'S COMPENSATION
IN CANADA**

A COMPARISON OF PROVINCIAL LAWS

1952

**DEPARTMENT OF LABOUR OF CANADA
LEGISLATION BRANCH**

HON. MILTON F. GREGG,
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A. MACNAMARA, C.M.G., LL.D.
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C O N T E N T S

	<u>Page</u>
Introduction	1
Changes in 1952	2
Individual Liability	7
Federal Government Employees	9
War Veterans	9
Blind Workmen	10
Workmen's Compensation Boards	10
Cost of Administration	11
Scope of Laws	11
Farm Labourers and Domestic Servants	13
Clerical and Casual Workers and Outworkers	14
Seamen	14
Risks Covered	15
Occupational Diseases	16
Waiting Period	17
Medical Aid	17
First Aid	19
Rehabilitation	20
Accidents Occurring Outside the Province	20
Non-resident Workmen and Dependants	22
Security for Payment of Compensation	23
Accident Prevention	23
International Labour Conventions and Recommendations	25
Occupational Diseases Compensated by Provinces	29
Scale of Compensation	35

WORKMEN'S COMPENSATION IN CANADA

A Comparison of Provincial Laws in December, 1952.

Introduction

Each of the ten Canadian provinces has a Workmen's Compensation Act which provides that, in any industry to which the Act or the main part of it applies, workers who sustain personal injury by accident arising out of and in the course of their employment or who are disabled by specified industrial diseases are entitled to compensation. The only exceptions are: (1) where the workman is disabled for less than a stated number of days (see "Waiting Period" p. 17); or (2) where the injury is attributable solely to his serious and wilful misconduct and does not result in death or serious disablement.

All of these Acts are of the "collective liability" type, that is, compensation is payable by employers collectively, the industries covered by the Act being divided into groups and the employers in each group being collectively liable for the payment of compensation to the workmen employed in the industries in that group.

Employers are required to contribute to what is known as the Accident Fund, and compensation and medical aid to injured workmen are paid by the Workmen's Compensation Board out of the Fund. In all cases the province is responsible for the solvency of the Fund. No contributions from employees, either directly or indirectly, are permitted.

Industries are classified according to their hazard and each class is liable for the cost of accidents occurring in that class although for the purpose of compensation the Accident Fund is one. At the beginning of each year the Board is required to fix a provisional contribution rate, a percentage of payroll, for each class sufficient to meet the compensation and medical aid payments during the year. Assessments are levied and collected at the provisional rate on the employer's estimated payroll. At the end of the year the rate is adjusted according to the actual payroll and to the accident experience of the group or class.

The right to compensation is not affected by the employer's neglect or refusal to furnish information or to pay his assessment or by his insolvency. The compensation to which a workman is entitled under the Act takes the place of his right of action, and he may not sue his employer or fellow employees in court for damages for an injury received in the course of employment.

All claims for compensation are received and determined by the Workmen's Compensation Board whose decision is final and not open to question or review in any court.

Benefits under the Acts include fixed monthly payments to dependants in case of the death of the workman, periodical payments to the workman for disability (in four provinces $\frac{2}{3}$ of average earnings, in two 70% of earnings and in four 75% of earnings), medical aid and rehabilitation. In addition to monthly benefits, a widow receives a lump sum payment and an allowance for funeral expenses.

In all provinces but Prince Edward Island this compulsory state system of collective liability replaced a system of individual liability on the part of the employer as provided for in earlier statutes, but an individual liability Act is still in force to some extent in Saskatchewan. The collective liability system of state insurance was adopted in Ontario in 1914 following a comprehensive report on employers' liability for accidents by a special commissioner appointed to inquire into the subject. Nova Scotia followed Ontario's example with variations in some points in 1915, British Columbia in 1916, Manitoba in 1916 in respect to collective liability but not state insurance until 1920, Alberta and New Brunswick in 1918, Saskatchewan in 1929 and Quebec in 1931. Prince Edward Island passed its first Workmen's Compensation Act in 1949. In 1950, Newfoundland enacted a collective liability statute which went into effect on April 1, 1951. While the Acts vary from province to province in some particulars, the main principles are the same, all the Acts having been modelled on the Ontario statute. Amendments are made from time to time and there is an increasing tendency towards uniformity.

In some provinces, it is the practice to have a periodical review of the operation of the Workmen's Compensation Act and employers and employees are given an opportunity to make representations. In Alberta, a review is usually made every five years and in 1951 a special legislative committee was named for this purpose. In Saskatchewan, a committee equally representative of employers and organized employees must be appointed by the Lieutenant-Governor in Council at least every four years to review the Act. An inquiry into the Ontario Act by a judicial commissioner was completed in 1950, and in British Columbia a similar Royal Commission reported in 1952. During 1952 a special committee of the Legislature made an inquiry into the Manitoba Act.

Only the main points of the legislation are covered in this analysis. The scale of benefits and the occupational diseases which are compensated are set out in tables at the end of the bulletin. A summary of the provisions of the Conventions and Recommendations of the International Labour Conference on workmen's compensation permits a comparison between I.L.O. standards and the provincial statutes.

Changes in 1952

In 1952, amendments were made to the Workmen's Compensation Acts of all ten provinces. In Alberta, the Legislature accepted most of the recommendations of the report of the Special Legislative Committee on Workmen's Compensation and, in a general revision of the Act, made a number of important changes. In British Columbia, the amendments were less extensive since it was decided that some of the major recommendations of the Sloan Royal Commission report should be implemented, leaving the remainder of the report for decision at a later session of the Legislature. In all provinces but Manitoba and Ontario, the amendments provided for increased compensation payments. Manitoba and Ontario broadened the coverage of their Acts. The Ontario Workmen's Compensation Board also extended the coverage of the Act by regulation by the addition of small workplaces in a wide range of industries which were previously excluded unless a specified number of workmen were employed.

In addition to changes in the provincial Acts, the federal Government Employees Compensation Act was amended and in November, 1952, a Bill to amend the Merchant Seamen Compensation Act was introduced in Parliament.

New Workmen's Compensation Ordinances in the Yukon and Northwest Territories, providing for the payment of compensation at the same scale as in the Alberta Act, became effective on January 1, 1953.

Alberta

In Alberta, in accordance with the Special Legislative Committee's recommendations, the percentage rate of average earnings used as a base for the payment of compensation for disability was increased from 66-2/3 to 75%, and the maximum annual earnings taken into account in computing compensation were raised from \$2,500 to \$3,000. The minimum payment in a case of total disability was increased from \$15 to \$25 a week or, as before, the full amount of actual earnings must be allowed if actual earnings are less than the minimum. The subsistence allowance payable by the Board to an injured workman undergoing treatment away from home was raised from \$2.50 to \$5 a day, unless the Board provides part of the subsistence in which case the per diem allowance may be proportionately reduced.

A further change was the adoption of a "waiting period" consisting of the day of the accident. As in Saskatchewan, no compensation other than medical aid is payable for a disability that lasts only for the day of the accident but if the workman is disabled for any longer time compensation begins from and includes the day after the accident. Previously, the Alberta Act provided for a three-day waiting period and a six-day qualifying period, that is, a worker received no compensation for the first three days of his disability unless he was disabled and off work for a period longer than six days.

An important feature of the revision was that the Legislature brought the payments to all widows up to the same level, i.e. \$50 a month, by directing that from April 1, 1952, any widow who was receiving the compensation provided for by law at the time of her husband's death should receive whatever amount was necessary to bring her monthly benefit to \$50. The Legislature stipulated that this should be continued until a widow was provided with additional income through old age assistance or other pension. The payment to a dependent child in the care of a remaining parent was raised from \$15 to \$25 a month but a change from 18 to 16 was made in the age to which compensation is paid. Compensation now ceases at the age of 16 unless a child is attending school and making satisfactory progress, in which case the Board has authority to continue payments to the age of 18.

It was also provided that, at the discretion of the Board, a common law wife may receive benefits under the Act, if there is no widow and she had lived with the workman for the seven years preceding his death and had one or more children.

Burial allowances were increased from \$175 to \$200 and for the first time provision was made for the payment of a sum up to \$100 for transporting a workman's body to any point within the Province.

Learners, that is, persons undergoing training or performing probationary work before entering regular employment, were declared to be workmen under the Act. This amendment was designed to afford protection to learners in certain railway occupations. Another amendment, intended to cover volunteer fire fighters, permits the Board to bring within the scope of the Act volunteer employments undertaken in the public interest without pay or at a nominal

remuneration. Several new industries were added to the schedules which list the employments to which the Act applies.

The definition of "accident" was broadened to include industrial diseases and the definition which limited industrial diseases to those set out in the schedule or added to the schedule by regulation of the Board was struck out. While the schedule of diseases for which compensation is payable is retained, the Act by its definition of "accident" accepts the principle of blanket coverage for all disablement arising out of and in the course of employment and the Board has discretion to grant compensation when it is shown that an accident or industrial disease arose out of and in the course of employment.

A retirement age of 70 years was fixed for members of the Workmen's Compensation Board. Previously, Board members held office for a term of ten years.

British Columbia

In British Columbia, the benefits payable under the Act were substantially increased in accordance with Chief Justice Sloan's recommendations. It was provided that compensation for disability is to be computed on the basis of 70% of average earnings (instead of 66-2/3%), and that the limit placed on the amount of annual earnings taken into account should be raised from \$2,500 to \$3,600. With this increase, the ceiling on earnings in British Columbia is exceeded only in Ontario and Saskatchewan where the amount is \$4,000. A higher minimum payment in disability cases - \$15 a week or average earnings, instead of \$12.50 or earnings - was also provided for.

The higher benefits provided for in death cases were made effective from April 1, 1952, regardless of when the accident or disablement occurred. Thus they apply to all those at that time receiving compensation as well as to future recipients.

The benefit to a widow or invalid widower was raised from \$50 to \$75 a month, the highest sum payable in any province; the payment to a dependent child in the care of a parent was increased from \$12.50 to \$20 a month and a \$10 increase from \$20 to \$30 - was provided for each orphan child. Funeral benefits were increased by \$100 - from \$150 to \$250. Maximum allowances to dependants, other than widow or children, were also increased. Further assistance to widows, dependent children and orphans who are receiving compensation was provided for in that hospital insurance premiums will be paid on their behalf by the Workmen's Compensation Board. This provision became effective on July 1, 1952.

It was stipulated that the payment to a widow who remarries was not increased as a result of the increase in the monthly pension and, as before, may not exceed \$1,200.

A further change was that the maximum amount of subsistence allowance paid to an injured workman undergoing treatment away from home, formerly limited to \$3.50 a day, was not fixed in the Act and is to be left to the discretion of the Board. Also determined by the Board is the amount of annual expenditure for the rehabilitation of injured workmen. Formerly, the Act limited such annual expenditure to \$75,000.

The Legislature also increased the annual salary of the Chairman of the Workmen's Compensation Board from \$7,500 to \$12,000 and of each Commissioner from \$6,000 to \$10,000.

Manitoba

The Manitoba Legislature brought a number of new industries under the Act, including oil well drilling and any related operation; manufacture of plastic material; farm machinery agencies; bulk oil agencies; and cold storage locker plants.

Newfoundland

In Newfoundland, the waiting period was reduced from six to four days. No compensation other than medical aid is payable for a disability which lasts less than four days. An increase from \$125 to \$200 was provided for in the maximum amount allowed for funeral expenses, and the monthly payment in respect of each child under 16 was raised from \$10 to \$12. By a further amendment, the minimum weekly compensation for a temporary total disability was increased to \$15 or the full amount of earnings, if less than \$15. The former minimum was \$12.50 a week or the earnings, if less.

A new provision placed in the Act authorizes the Board to grant a daily subsistence allowance from the Accident Fund to a workman under treatment at a place other than that at which he resides. The amount of the allowance is left to the discretion of the Board. The sections added in 1951 setting out the conditions under which hernia was compensable were repealed.

Provision was also made for a second injury fund. The Board was authorized to assess and collect a surcharge from employers in any class to be set aside as a reserve to relieve employers in that class of the total cost of a second injury to a workman which together with the original injury would cause him serious disability.

New Brunswick

In New Brunswick, amendments raised the monthly allowance to a widow from \$40 to \$50, for each child under 18 (unless he ceases to attend school) from \$10 to \$12, and for each orphan child from \$20 to \$25. It was provided that the invalid child of a deceased workman will receive compensation through his lifetime, or until he ceases to be an invalid. The former provision was that compensation was payable so long as the Board considered the workman would have contributed to the child's support. A worker who is temporarily totally disabled must now receive at least \$15 per week, or the total amount of his weekly earnings if less than \$15. Previously, the minimum was \$12.50 per week or earnings, if less.

Nova Scotia

In Nova Scotia, a higher limit--\$3,000 instead of \$2,500--was placed on the annual earnings on which compensation may be based. The funeral allowance was raised from \$150 to \$200, the amount paid in five other provinces. Another amendment increased the minimum monthly payment for permanent total disability from \$75 to \$85.

A further amendment makes it clear that compensation may be paid in respect of a dependent child up to the age of 18, or to the end of the school year in which a child reaches the age of 18, if the Board considers that it is advisable to continue a child's education. As the section was worded previously, it was doubtful whether or not the Board could make payments to a child who was over 16 at the time of his father's death.

A new provision permits the Workmen's Compensation Board to require a workman to be examined by a medical referee selected by the Minister of Labour.

Ontario

In Ontario, three new classes were brought within the scope of the Act. These are learners (as in Alberta and several other provinces), members of municipal volunteer fire brigades, and persons who are required to assist the police in making an arrest or in preserving the peace. The inclusion of the two last-named groups was recommended by Mr. Justice Roach in his 1950 Royal Commission Report.

Prince Edward Island

In Prince Edward Island, the rate of compensation payable for disability was raised from $66\frac{2}{3}\%$ to 75% of average earnings, as in Alberta, Ontario and Saskatchewan. A monthly allowance of \$25, instead of \$20, was provided for an orphan child of a deceased workman, subject to a maximum of \$100 monthly to a family of children left without either parent.

Quebec

As a result of two major changes in the Quebec Act, compensation for disability is now payable at the rate of 70% on maximum yearly earnings of \$3,000. Before the amendment, the percentage rate was $66\frac{2}{3}\%$, and the ceiling on earnings \$2,500 a year. The increase in the compensation rate applies to accidents occurring after February 1, 1952.

Saskatchewan

The Saskatchewan Workmen's Compensation (Accident Fund) Act was amended to raise the ceiling on earnings from \$3,000 to \$4,000 a year, bringing the Act into line with the Act of Ontario, formerly the only province with a \$4,000 maximum. Children's benefits were increased from \$20 to \$25 a month for each child under 16 and from \$25 to \$30 for an orphan child. The minimum compensation payable where a workman dies as a result of employment injury was raised from \$80 to \$85 for a widow with one child and from \$90 to \$100 for a widow with two or more children.

A change was made with respect to the minimum payment for disability to remove the distinction made since 1950 between a permanent partial disability of more than 50 per cent and one of less than 50 per cent. In the former case, the minimum was a proportion of \$20, in the latter a proportion of \$15. Henceforth, the minimum payment for a total disability is \$20 and for a partial disability, a proportion of \$20.

The increases apply to payments made after June 1, 1952, to all persons receiving compensation regardless of when the accident occurred.

Individual Liability

A Saskatchewan Act of 1911, under which the employer was individually liable and might insure his risk in a private insurance company, was superseded with respect to most industrial workers by the statute providing for collective liability but the earlier law remains in effect with respect to certain railway workers. The Workmen's Compensation (Accident Fund) Act does not apply to men in train service but members of the unions in which these workers are organized may be brought within its scope if a majority of the members indicate by ballot their desire to that effect. The Brotherhood of Locomotive Firemen and Enginemen came under this Act on April 1, 1948, the Brotherhood of Railroad Signalmen on February 20, 1951, and the International Brotherhood of Locomotive Engineers on January 1, 1953.

In this analysis the expression "Workmen's Compensation Act" when used with respect to Saskatchewan refers only to the later collective liability statute.

In Nova Scotia, Part III of the Act provides that compensation for accidents to persons employed in fishing or dredging shall be paid by the employer, who is required to insure to the extent of his liability with an insurance company. Compensation in these industries does not include medical aid or burial expenses but in other respects is on the same scale as in other industries. Payment, however, is enforced by an action in the courts and the Workmen's Compensation Board is not concerned with it.

Masters and members of the crews of fishing vessels in Newfoundland retain the protection of the 1948 individual liability Workmen's Compensation Act which was repealed except with respect to its application to fishermen.

In Ontario and Quebec, public authorities and certain corporations such as railways, shipping, telephone and telegraph companies are themselves liable to pay compensation and provide medical aid for the workmen in their employ but the amount and all other questions are determined by the Workmen's Compensation Board as in the case of accidents for which compensation is paid from the Accident Fund. Such corporations contribute their proportion of the cost of administering the Act as do also the Dominion and Provincial Governments. The individual liability of these public bodies and corporations is to be sharply distinguished from that of the railway companies under the earlier statute in Saskatchewan and from that provided for in Part II of the Act of certain provinces.

In British Columbia, Manitoba, Newfoundland, New Brunswick, Ontario and Prince Edward Island, the Workmen's Compensation Act is divided into two Parts. In Nova Scotia, as indicated above, there are three Parts. Part II of these seven statutes applies to industries to which Part I, providing for a provincial system of collective liability, does not apply. It is stipulated in Part II that a worker in an industry which is not under Part I of the Act, that is, not within the system of collective liability or of personal liability in the case of certain large employers in Ontario as administered by the Workmen's Compensation Board, has right of action against his employer for injury received in an accident caused by any defect in the machinery or plant of the employer or caused by his negligence or that of any persons employed by him. The fact that the worker continued in the employment with the knowledge of any defect or negligence is not a bar to

the recovery of damages. Negligence on the workman's part may be a factor in determining the amount of damages. Thus, the workers in industries outside the workmen's compensation scheme, under which all accidents occurring to workmen within the scope of the scheme and arising in the course of employment are compensated without recourse to the law courts, are protected in some measure by the adoption of the principles which distinguish employer's liability from workmen's compensation and from the common law.

Ordinances of the Yukon and Northwest Territories make the employer individually liable to pay compensation. A new Ordinance for each of the Territories which continues to provide for a system of individual liability on the part of the employer but which made other significant changes was passed in 1952 and became effective from January 1, 1953.

As before, an employer in each Territory is required to carry accident insurance for his workmen in an approved company unless he has made other arrangements satisfactory to the Commissioner of the Territory.

Where previously under the Yukon Ordinance, compensation was payable according to a scale of benefits set out in the Ordinance, and under the Northwest Territories Ordinance, the Commissioner was empowered to pay the difference between the maximum compensation payable under a policy of insurance and the amount which would be payable for a similar disability under the British Columbia Act, the new Ordinances now fix for both Territories the scale of compensation payable in Alberta under the Alberta Workmen's Compensation Act.

It has been arranged that the Workmen's Compensation Board of Alberta will act as Referee under both Ordinances to determine disputed claims. All claims for permanent disability will be referred by the Commissioner to the Referee for determination. Claims for temporary disability will be settled by the insurer. If an employee is dissatisfied with the disposition of his claim, however, he may apply to the Commissioner to have his claim reviewed by the Referee.

The provisions of the Ordinances with respect to coverage, compensable industrial diseases, etc., are substantially the same as those of the Alberta Act. Both Ordinances provide that where a workman is off work for six days or less, he receives medical aid but no compensation for the first three days of his disability. Only if a disability lasts for more than six days may a workman recover compensation from the date of the accident.

A widow receives a lump sum of \$100 and \$50 a month until death or remarriage, together with \$25 a month for each child up to 16 years of age. Benefits to other dependants are the same as those set out in the Alberta Act.

A workman who is permanently and totally disabled is entitled to receive a life pension equal to 75% of his average weekly earnings. In any case he may not receive less than \$25 a week or his full earnings if less than \$25. In computing average earnings, \$3,000 a year is the maximum amount taken into account.

In addition to compensation payments, the injured workman is entitled to medical aid, the cost of which is borne by the employer.

A federal individual liability statute, the Merchant Seamen Compensation Act, 1946, covers seamen who are not within the scope of a provincial workmen's compensation Act. This Act is described on page 14.

Federal Government Employees

The Government Employees Compensation Act, 1947, which repealed an Act passed in 1918, provides that federal Government employees who are injured by accident arising out of and in the course of their employment, or are disabled by reason of an industrial disease due to the nature of their employment, are entitled to receive compensation (including medical and hospital expenses) at the same rate as persons employed by private employers. In each case the amount of compensation is determined according to the terms of the Workmen's Compensation Act of the province in which the accident occurs or the disease is contracted. The provincial Workmen's Compensation Board acts as the administrative authority in deciding the right to compensation and the amount payable and the costs of compensation are paid by the federal Government.

Under this statute, all federal Government employees are eligible for compensation for accidents arising out of their employment, whether or not persons in that class of employment would be eligible under the provincial Act concerned. By a 1952 amendment, an employee who is disabled by an industrial disease which is due to the nature of his employment and peculiar to his occupation is entitled to compensation whether or not the disease is recognized as an industrial disease in the province in which he contracts it.

Amendments made to the Act in 1951 provide that Government employees resident in the Yukon or Northwest Territories are to receive the compensation payable under the Alberta Act.

Officers and employees of Crown Companies may be declared by Order in Council to be "employees" under the Act. Central Mortgage and Housing Corporation, Canadian Overseas Telecommunications Corporation, Canadian Commercial Corporation, Atomic Energy of Canada Limited, The Northwest Territories Power Commission, the Alberta-British Columbia Boundary Commission and the Alberta-Northwest Territories Boundary Commission have been brought under the Act by Order in Council.

War Veterans

A policy adopted by the federal Government in 1921 to encourage the industrial employment of war veterans has been continued in force with modifications from time to time. Under this scheme, the Department of Veterans Affairs is authorized to reimburse the Workmen's Compensation Board concerned, or an employer who is individually liable to pay compensation, for all or part of the cost of compensation paid, including medical aid, burial expenses and other payments, with respect to an industrial accident suffered by a war veteran who is in receipt of a pension for disability of 25 per cent or more. Payment is made on receipt of a certificate from the Board or employer, setting forth the compensation paid. Reimbursement is not made in respect of an accident where compensation is payable under the Government Employees Compensation Act or any other Act or Order in Council whereby the cost of compensation is borne by the Crown in the right of Canada. The present Order in Council setting forth this policy is P.C. 6221 of December 8, 1949.

An amendment to this Order in Council (P.C. 4713 of December 30, 1952) declared the Government's intention to bring this system to an end by March 31, 1954. Compensation may be paid for an industrial accident or disease occurring or contracted on or before December 31, 1952, for the period up to September 30, 1953.

Blind Workmen

In Alberta, Newfoundland, New Brunswick, Nova Scotia, Ontario and Saskatchewan, there are special statutes, and in Quebec there are special provisions in the Workmen's Compensation Act, dealing with compensation for blind workmen. The Newfoundland Act, was proclaimed in effect from March 1, 1952. In all these provinces, where compensation for an accident to a blind workman exceeds \$50, the Workmen's Compensation Board, or the employer if he is individually liable, is to be reimbursed from the Consolidated Revenue Fund of the Province, in Ontario for the full amount of such compensation, and in the other six provinces for the amount in excess of \$50, provided that at the time of the accident the workman was employed with the approval of an institute for the blind recognized by the Government of the Province for that purpose.

Workmen's Compensation Boards

Each Workmen's Compensation Act is administered by a board of three members, five in Quebec, called the Workmen's Compensation Board, or in Quebec, Workmen's Compensation Commission who are appointed by the Lieutenant-Governor in Council. In Manitoba and Saskatchewan, only the chairman is required to devote his full time to the work. In Alberta, British Columbia, Newfoundland, Ontario and Quebec, all members must devote the whole of their time to their duties under the Act and engage in no other employment.

In British Columbia, the term of all members and in Saskatchewan the term of the chairman is ten years but in both provinces they may be reappointed. In the other provinces the members hold office during good behaviour or, in Newfoundland, Ontario, Quebec and Saskatchewan, during pleasure. In Manitoba, Nova Scotia, Ontario and Prince Edward Island, all members of the Board must retire on reaching the age of 75 unless otherwise directed by the Lieutenant-Governor in Council. In Alberta, British Columbia and Newfoundland, a Board member must retire at 70. The New Brunswick statute does not refer to the tenure of office of members of the Board.

The industries within the scope of each Act except that of Newfoundland, New Brunswick, and Prince Edward Island, are classified by the Act according to accident hazard but the Board may add to these classes or subdivide or rearrange them and may also add to or withdraw industries from such classes. The New Brunswick statute provided that the classification should be made in the first place by the Board and the Prince Edward Island and Newfoundland Acts made similar provision. The Boards have authority to fix assessment rates appropriate to each class with preferential or merit rating in favour of industries with good accident records. They may collect assessments, determine the right to compensation and pay the amount due to workmen or dependants. The provincial Accident Fund must be so maintained as to be sufficient to meet all claims as they arise. In all these matters, the Boards of Alberta, British Columbia, Manitoba, Newfoundland, Ontario, Quebec and Saskatchewan have exclusive and final jurisdiction but New Brunswick, Nova Scotia and Prince Edward Island allow appeals to the Supreme Court of the province, with permission of a judge of that Court, upon questions of law or jurisdiction.

In case of dispute as to the payment of any assessment or other sum or of failure to pay such sums, any Board may file an order for payment with the clerk of the court specified in the Act, whereupon as an order of the court, it may be enforced like any other judgment.

Cost of Administration

In each provincial Act except that of New Brunswick it is stipulated that the salaries of Board members and the costs of administration are to be borne by the Accident Fund. In New Brunswick, the Act provides that the salaries of Board members and other costs of administration are to be paid from the Consolidated Revenue Fund, unless the Lieutenant-Governor in Council orders payment of any portion from the Accident Fund. In most provinces a grant was made by the Government in the early years of operation to assist in organizing the work and meeting initial expenses. The Prince Edward Island Act authorizes an annual grant not exceeding \$10,000 from the Provincial Treasury, and such a grant was given in the first year of operation. The Newfoundland Act provides that an annual contribution from moneys voted by the Legislature may be made towards the expenses of administration of the Act, and any sum so paid, not to exceed \$25,000, must be repaid to the Minister of Finance at his request. In British Columbia, Manitoba, Nova Scotia, Ontario and Quebec, an annual grant may be made from the Consolidated Revenue Fund to assist in defraying expenses but in none of these provinces is any financial assistance now given. Where, however, the Board is charged with other duties, the expenses in connection with them are paid by the Province.

In proportion to the accidents to their own employees, however, the federal and provincial Governments contribute, like other employers who are individually liable, to the cost of administration.

In British Columbia, the Act stipulates that the Chairman's salary shall be \$12,000 per annum and the salaries of the other members \$10,000. In the other provinces, the remuneration of Board members is determined by the Lieutenant-Governor in Council. In addition to the salary thus provided for, the Manitoba Act enables the Lieutenant-Governor in Council to authorize the payment to a Board member giving part-time service of an allowance of \$15 for each meeting of the Board in excess of fifty which he attends in any year.

Scope of Laws

The provincial Workmen's Compensation Acts vary in scope but, in general, they all cover employment, whether by way of manual labour or otherwise, in connection with or incidental to industrial undertakings, including lumbering, mining, quarrying, fishing, manufacturing, printing, engineering and construction, plumbing, painting, decorating and renovating, transport of passengers or freight by rail or water and transport of goods by road, operation of electric power lines, telegraph and telephone systems, waterworks and other public utilities, navigation and operation of boats, tugs and dredges, power laundries, bakeries, dairies, grain elevators, refrigeration plants or warehouses, freight or passenger elevators and of lumber, wood and coal yards, scavenging and window-cleaning, dyeing and cleaning.

Theatres and places where moving-pictures are exhibited, automobile repair shops and places for the sale of gasoline, oil, etc. are within the scope of the Act in all provinces. Shops are covered in Alberta, British Columbia, Newfoundland, New Brunswick, Prince Edward Island, and Saskatchewan; hotels in Alberta, British Columbia, Newfoundland, New Brunswick, Ontario, Prince Edward Island and Saskatchewan; and restaurants in Alberta, British Columbia, Newfoundland, Ontario, Prince Edward Island and Saskatchewan. Hospitals are within the scope of the British Columbia, Newfoundland, New Brunswick, Ontario and Saskatchewan Acts; nursing homes are covered in British Columbia and Saskatchewan. Radio broadcasting stations are included in

Alberta, British Columbia, Newfoundland, New Brunswick and Prince Edward Island. The operation of an office building or a building rented for manufacturing is under the Ontario Act, and the maintenance or operation of commercial or apartment buildings is under the British Columbia, Newfoundland and Saskatchewan Acts. Janitors and caretakers are covered in Newfoundland and New Brunswick. Transport by air is expressly included in Alberta, British Columbia, New Brunswick, Ontario, Prince Edward Island and Saskatchewan. In Manitoba, it is included when carried on by certain subsidiaries of the Canadian Pacific Railway Company. In New Brunswick, however, the industry is only included if 200 workers are employed, and in Prince Edward Island, if 100 workers are employed. Transport by bus is included in Alberta, British Columbia, Ontario and Saskatchewan.

In British Columbia, employers in practically all industries with the exception of farming are required to protect their workmen under the Act. Among the industries and occupations now covered are wholesaling, ice-harvesting, marine salvage, messenger or delivery service, funeral undertaking, blacksmithing, the non-industrial construction of buildings having a value of \$2,500 or more, and the operation of such places as golf courses, parks, horse-race courses, ice and roller-rinks, bowling-alleys and billiard-parlours, dance-halls, steam baths and beer-parlours.

There are other variations with respect to miscellaneous industries or occupations. The scope of the Acts is affected, too, through the power given in all provinces but Alberta and British Columbia to exclude small establishments. Some undertakings have been excluded unless more than a specified number are employed.

Municipal corporations and boards are deemed to be employers under all the Acts. Municipal police and fire departments are protected in Alberta, British Columbia, Manitoba, Ontario and Saskatchewan and they may be brought within Part I of the New Brunswick, Nova Scotia and Prince Edward Island statutes.

Persons employed by the provincial Government in industries covered by the Act are declared within the scope of the Acts in British Columbia, Manitoba and Quebec. In New Brunswick and Nova Scotia, it is provided that such employees may be brought within the Act and this has been done. In Alberta, Newfoundland, Ontario, Prince Edward Island and Saskatchewan, all provincial Government employees are protected.

In every province, certain classes of workers are declared not to be within the scope of the collective liability system or of personal liability as provided for in Ontario and Quebec. Power is given to the Boards, however, to include industries or workmen not within its scope in the first instance on certain conditions. In all provinces, an industry may be brought under the Act by the Board on application of the employer. Workmen, otherwise excluded, may be declared by the Board to be within the statute in British Columbia, Manitoba, Newfoundland, New Brunswick, Nova Scotia, Prince Edward Island and Saskatchewan if the employer applies for such action. In British Columbia, industries may be admitted by the Board on application of the workmen. In Alberta, any establishment or industry may be admitted on the application of the workmen but with respect to particular classes of workers, as indicated below, only if the employer consents. Of its own motion, the Board may bring industries within the Act in Alberta, British Columbia (on such terms and conditions as it deems proper), Manitoba, Nova Scotia, Ontario and Quebec. In Newfoundland,

New Brunswick and Saskatchewan, this may be done by the Lieutenant-Governor in Council on recommendation of the Board.

On the other hand, the Board in every province but British Columbia has power to exclude any industry from the Act or, in the case of Manitoba, Newfoundland, New Brunswick, Nova Scotia, Ontario and Saskatchewan, from Part I. In Ontario, Quebec and Saskatchewan, such exclusion must be approved by the Lieutenant-Governor in Council. In Alberta, Newfoundland and Ontario, the Board may exclude any particular trade or occupation from an industry under the Act.

As indicated above, undertakings in which not more than a stated number of workmen are usually employed may be excluded by order of the Board in all the provinces except Alberta and British Columbia. The Manitoba Board has not exercised its power to exclude small industries while, on the other hand, the Nova Scotia Board has excluded all industries employing less than five persons, and in Newfoundland and Prince Edward Island, all those employing less than three persons are excluded. In Newfoundland, New Brunswick, Prince Edward Island, Quebec and Saskatchewan, regulations exclude specific industries unless a stated number of workmen are usually employed. Similar regulations in Ontario were repealed effective from January 1, 1953. In Newfoundland, New Brunswick, Nova Scotia and Prince Edward Island, such undertakings may be readmitted by the Board, while in Manitoba and Ontario, if an employer or workman in an undertaking so excluded notifies the Board that he wishes to be included, the undertaking must be admitted. In Quebec, only by notification by the employer is the Board required to include the undertaking in the collective liability scheme. In Saskatchewan, application by employer or workman in these cases must be approved by the Board.

Farm Labourers and Domestic Servants

Certain classes of workers, although they are expressly excluded by some of the Acts may, on certain conditions, be admitted. Among these are farm labourers, domestic servants, clerical and casual workers and outworkers.

In Manitoba, Newfoundland, New Brunswick, Nova Scotia and Prince Edward Island, the collective liability system is expressly declared not to apply to farm labourers or to domestic servants, while in Ontario, Quebec and Saskatchewan, the "industry of farming" and domestic service are excluded.

In Manitoba, Newfoundland, New Brunswick, Nova Scotia, Prince Edward Island and Saskatchewan, either of these classes, and in Ontario the industry of farming, may be admitted to Part I on the employer's application. In New Brunswick and Saskatchewan, they may be brought within Part I by the Lieutenant-Governor in Council on the Board's recommendation. Approximately 600 farmers in Ontario have brought themselves within the Act.

The Alberta Act applies only to specified industries and domestic service is not mentioned. As to farm workers, the statute provides that farming or ranching may be included by the Board on the application of the employer or of a majority of the employees with the employer's consent. A small number of persons carrying on farm operations together with some other undertaking have had their employees brought within the Act.

The British Columbia Act is declared not to apply to domestic servants. Farming is not among the industries specified in the statute but under the Board's general power to declare industries or undertakings within the Act on the application of either employer or workmen, farm labourers may be brought within it. 72 farmers applied for coverage in 1950, according to the Sloan report, which recommended that the Act be amended to extend compulsory protection to all farm workers. It also recommended that a domestic servant or her employer be allowed to apply for coverage under the elective provisions of the Act.

Hence, in all provinces, except to a limited extent, farm labourers and domestic servants, or their dependants, have recourse only to an action at common law for damages for accidents arising out of employment.

Clerical and Casual Workers and Outworkers

Clerical workers employed in industries which are within the Act are excluded from Part I of the Manitoba Act unless they are exposed to the hazards of the industry; in the other provinces, they are eligible for compensation.

Casual workers, employed otherwise than for the purpose of the employer's business, and outworkers or persons to whom work is given to be done at home, are outside the scope of the collective liability system in all provinces. In British Columbia, Newfoundland, New Brunswick, Nova Scotia, Prince Edward Island and Saskatchewan, these two classes may be brought within the scope of the Act under the conditions outlined above (see p. 12). In Alberta, casual workers may be brought under the Act on application of the employer or of the majority of the workmen if the employer consents, but outworkers are declared outside the Act.

Seamen

The Merchant Seamen Compensation Act, 1946, applies to seamen excluding pilots, apprenticed pilots and fishermen, on ships registered in Canada or chartered by demise to a resident of Canada or to one whose principal place of business is in Canada provided that the ship is engaged in trading on a "foreign" voyage or on a "home-trade" voyage as these voyages are defined in the Canada Shipping Act. The Act may be applied by the Governor in Council to seamen hired in Canada and employed on a ship registered out of Canada but operated by a resident of Canada or a person having his principal place of business in Canada.

Under this Act, the employer of a seaman injured by reason of an accident arising out of and in the course of his employment is required to pay compensation in accordance with the scale set out in the Act, and to cover his risk by insurance or other means satisfactory to the Merchant Seamen Compensation Board. Payment is made by the employer direct. No compensation is payable where a seaman or his dependants are eligible for compensation under a provincial workmen's compensation law or under the Government Employees Compensation Act.

Benefits under the Act include, in a fatal case, \$45 monthly to a widow, with \$10 for each child under 18 years, or \$20 for each orphan child, together with a maximum of \$125 for burial expenses if they are not borne by the employer in accordance with the Canada Shipping Act, and not more than \$125 for transportation and other expenses incurred in transferring the body to the place of interment. Monthly benefits in such cases may not exceed two-thirds of the seaman's average earnings. In case of total disablement, the seaman is entitled to two-thirds of his average earnings and for partial disablement, two-thirds of the difference between his average earnings before and after the accident.

Where benefits are based on average earnings, not more than \$2,500 annual earnings may be taken into account. Medical aid and compensation are payable from the date of disability if the injury disables the seaman for seven days or more.

Seamen are within the scope of the Alberta, British Columbia, Manitoba, Newfoundland, New Brunswick, Nova Scotia, Ontario, Prince Edward Island and Quebec Acts but in some provinces they have been excluded by regulation and in such cases may file claims for compensation under the federal Act. Most claims under the federal Act come from the four Maritime Provinces. Thus, the provisions concerning accidents occurring outside the province are of special interest in this connection (p. 20).

During the period for which duty is payable to the Sick Mariners' Fund under the Canada Shipping Act, and seamen are, therefore, eligible for medical aid under specified conditions, the British Columbia, Newfoundland, New Brunswick, Nova Scotia and Prince Edward Island Acts stipulate that medical aid is not payable under their provisions. In British Columbia, however, in 1946 seamen were made eligible under the Workmen's Compensation Act for any additional medical aid not furnished under the Canada Shipping Act. (p.19).

Risks Covered

Where in any employment within the scope of the provincial workmen's compensation system "personal injury by accident arising out of and in the course of the employment is caused to a workman", compensation is to be paid, including cash payments, medical and surgical aid and hospital and skilled nursing services. But no compensation is payable where the injury

is attributable solely to the serious and wilful misconduct of the workman unless the injury results in death or serious disablement.

This wording of the Ontario Act is reproduced in the statutes of Prince Edward Island and Quebec and, with some slight variation, in Alberta. In British Columbia, Manitoba, Newfoundland, Nova Scotia and Saskatchewan, the law is similar but the exception in favour of a workman whose misconduct caused the injury is limited to cases where the resulting disablement is permanent. The New Brunswick Act varies from that of Ontario in stipulating that no compensation shall be paid if the injury was, in the opinion of the Board, intentionally caused by the workman or was wholly or principally due to his intoxication or serious and wilful misconduct and did not result in the workman's death.

In all the provinces but New Brunswick the word "accident" is defined to include "a wilful and an intentional act, not being the act of the workman, and a fortuitous event occasioned by a physical or natural cause". In Newfoundland, Nova Scotia and Prince Edward Island, compensation is payable for injury by lightning, and the Newfoundland, Nova Scotia, Prince Edward Island and Saskatchewan Acts expressly include frostbite resulting from the workman's employment. A special clause in the Alberta Act provides that where a workman is found dead in a place where his employment might cause him to be, it shall be presumed that his death was the result of an accident arising out of his employment unless the evidence is sufficient to rebut the presumption. A similar provision in the Newfoundland and Nova Scotia Acts applies only to a workman found dead in the underground workings of a mine, (in Nova Scotia, of a coal mine).

Occupational Diseases

In addition to accidents, certain occupational diseases give a workman right to compensation in all the provinces, "if the disease is due to the nature of any employment in which he was engaged at any time within twelve months previous to the date of his disablement whether under one or more employments". In Manitoba and Ontario, any disease peculiar to an industrial process is to be compensated. In all provinces but Alberta, it is stipulated that compensation shall not be paid if, at the time of entering into the employment, the workman had wilfully and falsely represented himself as not having previously suffered from the disease. In British Columbia, Manitoba, Ontario, Quebec and Saskatchewan, however, the workman is ineligible for compensation only if such false representation has been made in writing.

The diseases for which compensation is payable are set out in a schedule to each Act, or in New Brunswick and Ontario in the regulations of the Board. The Board in every province is given authority to add to the schedule and in all cases other diseases have been added to the original list. In New Brunswick, the Board was empowered to determine by regulation all the diseases to be compensated. In an appendix to this bulletin is a table showing the occupational diseases which are compensated under the provincial Acts.

In Newfoundland, New Brunswick and Prince Edward Island, the Board may require a workman in any employment to have a medical examination in order to determine whether he has an occupational disease, and if he refuses or fails to do so, the employer may not continue to employ him.

In all provinces compensation is payable for silicosis. In Alberta, British Columbia, Manitoba, Nova Scotia, Ontario, Quebec and Saskatchewan, silicosis is compensated under certain conditions, that is, the workman must have been employed for a stated period in a specified industry where he was exposed to silica dust. In Nova Scotia and Prince Edward Island, it is compensated if it occurs in any industry in which silica dust may be inhaled, and in Manitoba in any industry within the scope of Part I.

Waiting Period

Each Act provides for a "waiting period", which varies from one to seven days.

In Alberta and Saskatchewan, the waiting period is one day, that is, no compensation is payable for a disability that lasts only for the day of the accident but if the worker is disabled for any longer time, compensation is payable from and including the day after the accident.

The British Columbia and Manitoba Acts provide for a waiting period of three days and a qualifying period (six days in British Columbia and seven days in Manitoba) at the expiration of which compensation is payable from the date of the accident. A worker in British Columbia whose disability lasts six days or less cannot recover compensation for the first three days of his disability. Only if a disability lasts longer than six days is compensation payable from the day of the accident. Similarly, an injured worker in Manitoba has to be off work longer than seven days in order to be eligible for compensation from the date of the accident.

In Newfoundland, New Brunswick and Prince Edward Island, the waiting period is four days; in Ontario, it is five days; and in Nova Scotia and Quebec, it is seven days. Workers receive no compensation, therefore, for short periods of disability, that is, less than four days in Newfoundland, New Brunswick and Prince Edward Island, less than five days in Ontario, and less than seven days in Nova Scotia and Quebec. Where the disability continues beyond the waiting period, compensation is payable from the date of the lay-off.

Under all the Acts, medical aid is given from the date of the accident.

Medical Aid

In addition to cash benefits, the cost of medical aid for injured workmen is borne by the Accident Fund for as long as needed under all the provincial Acts. In Quebec, employers who are individually liable for compensation must furnish satisfactory medical aid or they may be ordered to pay for such aid as is procured by the workmen or the Board; in Ontario, the amount must be paid by such employers through the Board.

In all provinces, medical aid includes medical, surgical, nursing and hospital services. In Ontario, it includes also treatment by persons registered under the Drugless Practitioners Act and the Chiroprody Act and in Alberta and Saskatchewan, the term includes treatment by any person licensed under provincial law to practise the healing arts. In Manitoba, the Board may, on request of the workmen, permit treatment by a registered osteopath or chiropractor. The British Columbia Act permits treatment by "persons authorized to treat human ailments" which would include chiropractors, chiropodists and naturopaths.

In Alberta, British Columbia and Manitoba, the Board has authority to provide transportation for an injured workman. In Newfoundland and New Brunswick, the term "medical aid" includes transportation. The New Brunswick

Act requires an employer to transport the workman to a hospital, physician or to the workman's home, the cost to be paid for by the Board from the Accident Fund. In Alberta, Manitoba, Newfoundland, Nova Scotia, Ontario, Prince Edward Island, Quebec and Saskatchewan, the cost of such transport must be borne directly by the employer. In Newfoundland, Nova Scotia and Prince Edward Island, if an employer fails to provide a conveyance he is liable to pay to the Board double the cost of transporting the workman.

The Boards of all provinces provide crutches, artificial limbs and other apparatus for injured workmen. In Newfoundland, Nova Scotia, New Brunswick, Ontario, Prince Edward Island, Quebec and Saskatchewan, workmen are entitled to have such apparatus kept in repair as the Board deems necessary, and in Alberta, British Columbia and Manitoba for as long as disability lasts. Alberta, British Columbia, Manitoba and Quebec provide medicine and in other provinces the cost of these may be included in the term "medical aid". In Alberta, British Columbia, Manitoba and Saskatchewan, the Board may replace and repair broken dentures, and in Newfoundland, Nova Scotia, Ontario and Prince Edward Island, the workman is entitled to such dental appliances and apparatus as may be necessary as a result of an accident and to have them kept in repair or replaced at the discretion of the Board. In New Brunswick, provision is made for dental aid. In Alberta, British Columbia, Manitoba, Newfoundland, Nova Scotia, Prince Edward Island and Saskatchewan, the Board may replace and repair eye-glasses broken by an accident arising out of employment. The Saskatchewan Board may bear the expense of the removal of infected teeth or tonsils which can be assumed to hinder an injured workman's recovery. In Ontario, provision is made in permanent total disability cases for such other treatment, services or attendance as may be necessary as the result of the injury.

The Board is authorized to make a per diem subsistence allowance from the Accident Fund in Alberta, British Columbia and Newfoundland to a workman under treatment at a place other than that in which he resides. In Alberta, the allowance authorized to be paid is \$5 a day. No amount is specified in British Columbia and Newfoundland.

As regards the choice of a physician, the statutes in New Brunswick, Ontario and Saskatchewan merely stipulate that a workman must, if required by his employer, submit to a medical examination by a physician chosen and paid by his employer but, except in New Brunswick, only in accordance with the regulations of the Board. The implication is that in the first instance he may choose his own doctor. In Quebec, the Act expressly states that a workman may select his physician. In Alberta, British Columbia and Manitoba, the Board is authorized to permit the workman to be treated by his own physician and this is the usual practice provided one reasonably near is chosen.

If so required by the Board, a workman under several of the Acts must submit to an examination by a medical referee chosen by the Board or to such other examination as the Board requires. In Alberta, in cases of dispute, the Board if requested by the workman in writing, after consulting the workman's physician, must nominate two recognized specialists in the class of injury or ailment for which compensation is claimed and the workman may select one of them to conduct the examination. If he fails to make a choice, the Board may make it.

In all provinces the fees for medical aid are fixed by the Board.

Employers' Schemes for Medical Aid

Employers' schemes for medical aid to their workmen may, under all the statutes except that of Ontario, be continued or put into effect if, after considering the wishes of both workmen and employer, the Board deems them to be at least as favourable to the workmen as the provisions of the Act. Such a scheme, approved by the Board and under its supervision, may replace the arrangement for medical aid in the Act. In Manitoba and New Brunswick, no private schemes have been approved by the Board. The Alberta, Newfoundland, New Brunswick, Nova Scotia, Prince Edward Island, Quebec and Saskatchewan Acts stipulate that the employer is entitled to reimbursement out of the Accident Fund or to a reduction in his assessment rate where such a scheme is in force. In British Columbia and Manitoba, the Act states that employers' schemes for medical aid may be approved subject to such conditions as the Board may impose. In Newfoundland, New Brunswick, Nova Scotia, Prince Edward Island, Quebec and Saskatchewan, contributions from workmen towards the expense of medical aid are expressly forbidden except as may be permitted under a private arrangement for furnishing medical aid approved by the Board. In Nova Scotia, schemes in the coal industry under which the miners pay the cost through a long-established arrangement with the local doctors have been permitted to continue in consideration of the employers' contributions to miners' relief societies which constitute virtually an insurance plan providing benefits in sickness and for dependants in case of death. In some districts these arrangements for medical treatment were altered so as not to apply to compensation cases.

Medical Aid for Seamen

The federal Merchant Seamen Compensation Act, which applies to seamen who are not within the scope of any provincial Workmen's Compensation Act, provides for free medical aid from the date of disability if the injury disables for seven days or more. The Act stipulates, however, that a seaman entitled to medical aid under the Canada Shipping Act is not entitled to medical aid under the 1946 statute for the same period or to the same extent.

In British Columbia, Newfoundland, New Brunswick, Nova Scotia and Prince Edward Island, the Workmen's Compensation Act stipulates that seamen on vessels on which duty is payable for the purpose of the Sick Mariners' Fund under Part V of the Canada Shipping Act shall not, during the period for which such duty is payable, receive medical aid under the Workmen's Compensation Act. In British Columbia, however, seamen are eligible under the Workmen's Compensation Act for any additional medical aid which is not furnished under the Canada Shipping Act. Under that Act, all ships arriving at any port in British Columbia, Manitoba, Newfoundland, New Brunswick, Nova Scotia, Ontario, Prince Edward Island or Quebec are required to pay a duty for the Sick Mariners' Fund but ships engaged in the coastal trade and fishing vessels are exempt. A master of a fishing vessel may, however, elect to pay the duty whereupon medical treatment is available to members of the crew.

First Aid

In all provinces, employers in industries in which it is deemed proper may be required by the Board to maintain such first-aid appliances and service as the Board may direct. In British Columbia, when the employer fails

to comply with this provision the Board may install first-aid appliances and charge the cost of them to the employer. Regulations have been issued in most provinces setting out the minimum first-aid service required to be maintained according to the number of employees.

Rehabilitation

To aid in getting men back to work and in lessening any handicap, a Board may adopt any means considered expedient and pay the cost from the Accident Fund. Except in Alberta, British Columbia and Saskatchewan, the maximum amount that may be spent for rehabilitation in a year is fixed in the statute: \$5,000 in Prince Edward Island; \$15,000 in Newfoundland and New Brunswick; \$20,000 in Nova Scotia; and \$100,000 in Ontario and Quebec. In Manitoba, the cost of vocational training for any workman may be paid from the reserve set aside for his compensation. In Alberta, since 1948 a reserve fund has been set aside for the payment of expenses incurred by the Board in re-training and rehabilitation.

Accidents Occurring Outside the Province

In each province, the Act makes some provision for compensation to workmen who are hired by an employer in the province and who are injured in accidents occurring outside its boundaries.

The determining factors are usually the employer's place of business and the residence and usual place of employment of the workman. Although the Acts vary in wording, in general they ensure protection to such workmen and guard against any overlapping.

In Alberta, British Columbia, Ontario and Quebec, compensation is payable if the place or chief place of business of the employer and the residence and usual place of employment of the workman are in the province, and provided that the employment outside the province has immediately followed employment in the province by the same employer and lasted less than six months, or in Alberta, twelve months or longer if the Board permits. In Newfoundland, Nova Scotia and Prince Edward Island, compensation is payable if the workman's usual place of employment is in the province and employment out of the province has lasted less than six months or, in the case of Newfoundland, less than eight months. In Alberta, Newfoundland, Nova Scotia, Prince Edward Island and Quebec, however, compensation is only payable in such cases if the law of the place where the accident happened grants no compensation. In Manitoba and Ontario, a workman is eligible for compensation for an accident which occurs while he is temporarily outside the province for some purpose connected with his employment provided that his employer has his place of business within its boundaries and the workman's employment usually causes him to be within the province, and if, in Manitoba, he is a resident of the province or, in Ontario, even if his residence is outside the province.

In Alberta, New Brunswick and Saskatchewan, when a workman, who is a resident of the province, is engaged in work which is performed partly within and partly without the province, the work is considered as done in the province and compensation is payable accordingly. In British Columbia, Manitoba and Ontario, a similar provision relates only to employment on a steamboat, ship or vessel or on a railway but in British Columbia also includes transport by aeroplane, truck, bus or other vehicle and in Manitoba includes operation of

an aircraft. In Quebec, a like provision applies to employment in transport by land or water and in the latter case applies also to a workman hired in the province. In Ontario and Quebec, the provision applies to an accident on a vessel which is either registered in a Canadian port or whose owner or charterer has his home or principal place of business in the province. The Nova Scotia statute stipulates as regards accidents outside the province on a ship registered in Nova Scotia or operated by an employer residing or having his place of business in the province and while the ship is limited to making voyages between Nova Scotia and New Brunswick, Prince Edward Island or Newfoundland, that the employer must apply to have the industry admitted within the Act and must pay the required assessment. Failure to do so makes him personally liable for compensation. The Prince Edward Island Act has a similar section.

In Nova Scotia and Prince Edward Island, an industry carried on outside the province may be declared by the Board, on the application of the employer, to be within the scope of Part I of the Act and compensation is payable to a workman employed in such an industry.

In British Columbia, Newfoundland, New Brunswick, Nova Scotia, Prince Edward Island, Quebec and Saskatchewan, if an employer fails to include the workmen whose work requires them to go outside the province in the report of his payroll to the Board and an accident occurs to any workman outside the province for which he is eligible for compensation, the employer is individually liable to pay such compensation. The British Columbia, Newfoundland, Nova Scotia and Prince Edward Island Boards, however, may exercise their discretion on this point according to the circumstances.

In Ontario, when the employer's place of business is not in the province, provision is made for the payment of compensation for accidents occurring outside the province under certain circumstances. If compensation is payable under the law of the place where the accident happened, compensation is not payable in Ontario whether the workman is a resident of the province or not, unless his place of employment is in the province and he was, at the time of the accident, out of the province merely for some casual purpose incidental to his employment.

In Alberta, British Columbia, Nova Scotia, Ontario, Prince Edward Island, Quebec and Saskatchewan, if an accident happening elsewhere than within the province entitles the workman to compensation under the law of another province or country in which the accident occurred as well as under the law of the province, the Act requires him to choose under which law he will claim compensation and to give notice accordingly.

Alberta, British Columbia, Manitoba, Newfoundland and Saskatchewan provide for interprovincial agreements to facilitate the handling of cases in which workmen are employed outside the Province. The Alberta Board may enter into an agreement with the Board of any other province to provide compensation for injuries to workmen who are employed under such conditions that part of their work is performed in Alberta and part in another province and to prevent a duplication of assessments. The British Columbia and Newfoundland Boards may make arrangements with the Board of any other province to avoid duplication of assessments where workmen are protected by the laws of two or more provinces and may repay any other Board for any payment of compensation

made under such an arrangement. In Manitoba, where a workman's employment requires him to be regularly outside the province, the Board may arrange with the employer and the Board of the other province the premium to be paid to each Board.

In Saskatchewan, the Act enables the Board, with the approval of the Lieutenant-Governor in Council, to arrange with the Boards of adjoining provinces with respect to compensation for injuries to workmen whose employment is at one time or season in one province and at another time or season in another, and also with respect to compensation for industrial diseases incurred by workmen whose employment extends across the interprovincial boundary. The Manitoba Act has a similar provision relating to industrial diseases.

Non-resident Workmen and Dependants

The question of compensation to workmen or their dependants who reside outside the province is dealt with in all the Acts. In most of the provinces such compensation is granted only on condition that similar benefits are provided for by the law of the country in which the beneficiaries reside. The higher cost of living in Canada compared with trans-Atlantic countries has also been taken into consideration and it is frequently stipulated that the amount of compensation may be adjusted on this basis.

The British Columbia law stipulates that, where compensation is payable to persons residing outside of Canada, the Board may award a smaller sum if, in its opinion, dependants can be maintained on such smaller sum in a like degree of comfort as dependants of the same class in Canada. The New Brunswick Act contains a similar provision with respect to dependent aliens residing outside of Canada.

In Quebec, dependants not residing in Canada may be awarded such sum in lieu of compensation as the Workmen's Compensation Commission deems proper.

A similar provision to that of Quebec is found in the Alberta, Ontario and Saskatchewan Acts. These statutes, however, while giving to the Board such discretionary power, stipulate, generally, that a dependant who does not live in Canada is not entitled to compensation, unless by the law of the place or country in which he resides, the dependant of a workman to whom an accident happens in that country, if resident in Canada, would be entitled to compensation.

In Manitoba, Newfoundland, New Brunswick, Nova Scotia and Prince Edward Island, the section dealing with non-resident dependants is like that in Ontario and Saskatchewan except that in the five first-named provinces, the provision relates to dependants who do not live in the province as well as to non-residents of Canada, and in Newfoundland, New Brunswick, Nova Scotia and Prince Edward Island, the clause is permissive only. The Board is given power to order compensation to be paid in such cases. In New Brunswick, the statute requires an order in council to set out that provision is made by other provinces and countries for compensation in respect to workmen of those countries or provinces and benefits are payable to dependants resident in New Brunswick. Such an order in council was approved in February, 1919.

In the three provinces, Manitoba, Ontario and Saskatchewan, compensation awarded to non-resident dependants may not be greater than the amount of compensation that would be payable under the law of the other country if the dependant concerned under that law resided in one of these provinces and in Newfoundland, New Brunswick, Nova Scotia and Prince Edward Island, the Board may reduce the compensation in such a case to that payable under the law of the country concerned.

Security for Payment of Compensation

All the provincial statutes provide that compensation shall be paid for accidents within their scope and the province is responsible for the solvency of the Accident Fund.

Default on the part of the employer in making the required returns to the Board or in paying his assessment does not affect the payment of compensation for an accident occurring during the period of default. In such case, the employer is liable, in addition to a penalty, to pay one-half of the compensation payable, or in Alberta, not more than \$300 and in Manitoba, not more than \$500. In the other provinces except Prince Edward Island, the employer is required to pay the full amount or capitalized value of the compensation as the Board determines. The Prince Edward Island Act makes the employer liable, in addition to a penalty, to pay \$100 for each week of default.

In every province where default is made in the payment of an assessment, judgment may be entered on a certificate filed in court by the Board. In Alberta, British Columbia, Manitoba, Newfoundland, New Brunswick, Nova Scotia and Prince Edward Island, the Board has right of action against the employer and in Alberta, Ontario and Saskatchewan, if an assessment remains unpaid for 30 days the amount may be collected for the Board by the municipality in the same manner as taxes.

In Quebec, assessments have priority over any lien and in British Columbia and Alberta, over any lien except one for wages. In the other provinces, where an employer would be entitled to a lien the owner of the property is liable for the assessment or to a penalty if he fails to see that the employer pays it.

All the Acts provide that in the case of the death of the employer or of an assignment or winding up of a company the amount of any assessment or compensation for which the employer was liable shall be included among the debts, such as legal costs, taxes or wages, which, under the provincial statutes governing the distribution of estates in such cases, have priority over other claims against the property of the employer. The federal Bankruptcy Act also stipulates that all wages earned during the preceding three months and any indebtedness under a provincial Workmen's Compensation Act shall be preferred claims.

Accident Prevention

The Board in each province, except Manitoba, and any person appointed by the Board have authority to inspect the premises of any employer within the scope of the Act to ascertain whether proper precaution are being taken to prevent accidents and whether the safety appliances or safeguards required by law

are being used. In Manitoba, the provincial Department of Labour is responsible for accident prevention work.

In Alberta, British Columbia, Newfoundland and Saskatchewan, the Board may determine the measures to be adopted or the safety devices to be installed for the prevention of accidents and diseases, making general or special rules for that purpose. Before adopting such rules, the British Columbia Board must arrange for them to be considered at a public hearing of which ten days' notice must be given and the Newfoundland and Saskatchewan Boards may hold a conference with a committee consisting of not more than five employers and an equal number of workmen in the industries affected by the regulations. In all these provinces and in Prince Edward Island, the Board may order an employer to install in his plant, within a specified time, any safety device which in its opinion is necessary. In British Columbia, Newfoundland and Saskatchewan, the Board may maintain museums or places for the exhibition of safety devices, publish and distribute bulletins on accident prevention, arrange for lectures on the causes and prevention of industrial accidents and diseases and appoint advisory committees on which employers and workmen are represented to assist the Board in establishing standards of safety and to recommend rules for that purpose. The Alberta Board has similar power to carry on education and instruction in accident prevention. Safety regulations have been made by the Boards of both Alberta and British Columbia. An accident prevention committee must be organized in every plant employing, in Alberta, 10 or more workmen, or in British Columbia, 20 or more.

In Newfoundland, New Brunswick, Nova Scotia, Ontario, Prince Edward Island and Quebec, associations of employers, and in Saskatchewan associations of employers and workmen, in any of the classes into which they are divided for purposes of assessment may make rules for accident prevention. In New Brunswick and Nova Scotia, one accident prevention association covers the province. In Ontario and Quebec, certain classes are organized separately, construction, pulp and paper, lumbering, mining and electrical work in Ontario and pulp and paper, lumbering and public utilities in Quebec. Employers in other classes in each province are associated in one body.

If the Newfoundland, Nova Scotia and Prince Edward Island Boards approve the rules, they become binding upon all employers in the class or classes whether members of the association or not. In New Brunswick, Ontario, Quebec and Saskatchewan, if the Board considers the association to be sufficiently representative of the employers affected and approves their rules, they become binding if they are approved also by the Lieutenant-Governor in Council. Where an association appoints safety inspectors, the Board in any of these provinces may pay the whole or part of their salaries out of the Accident Fund. A special grant may also be made towards the expenses of an association. Monies paid by the Board, under these provisions, are to be charged to the classes represented by the association concerned.

In Alberta, British Columbia and Prince Edward Island, if the Board considers that an accident is due to the inexcusable failure of an employer to comply with the regulations or with the directions of the Board, it may, in British Columbia, collect from the employer the amount of the compensation payable, not exceeding \$300 in any case, and in Alberta and Prince Edward Island, a sum not exceeding one-half of the amount of compensation payable. The Alberta Board may increase the assessment of an employer if it considers that precautions against accidents are not sufficient or that working conditions are not safe.

In British Columbia and Manitoba, where an industry is so circumstanced or conducted that the hazard is either greater or less than the average of the class to which the industry belongs, the Board may fix a higher or lower rate according to the hazard. In New Brunswick, the rate may be increased where the hazard is greater than the average of the class owing to the manner in which the industry is carried on.

The Acts of all provinces except Prince Edward Island permit the Board to adopt a system of merit or experience rating. Moreover, in Ontario, Quebec and Saskatchewan, if the accident record is high in any industry and if proper precautions are not taken or if the machinery, appliances, etc., are defective or inadequate, the Board may increase the employer's assessment so long as such conditions exist, or the Board may exclude the industry from the class in which it has been placed and make the employer individually liable for compensation. In Prince Edward Island, an employer who disregards the recommendations of the safety officer authorized by the Board to inspect his premises is liable to have his assessment rate raised or if the hazard is not removed, to be restrained from carrying on operations.

Conventions and Recommendations
of the International Labour
Conference

Accidents

The International Labour Conference at its 1925 Session adopted three Conventions and four Recommendations concerning workmen's compensation. The 1925 Convention (No. 18) concerning compensation for occupational diseases was revised in 1934 (No. 42) to cover additional diseases.

The Convention (No. 17) relating to industrial accidents requires that workmen's compensation laws shall apply to all workmen, employees and apprentices employed in a public or private undertaking with the exception, where deemed desirable by the Legislature, of casual workers employed otherwise than for the purposes of the employer's business, outworkers, members of the employer's family working exclusively for and residing with him, and non-manual workers whose remuneration exceeds a limit determined by national legislation.

The Convention does not apply to agriculture, which is covered by a 1921 Convention, nor to seamen or fishermen, nor to persons covered by special schemes whose terms are not less favourable than those of the Convention.

The Convention requires compensation, in fatal and permanent disability cases, to be paid periodically except where the authorities are satisfied that a lump sum will be properly used. Compensation must be payable from not later than the fifth day after the accident and additional compensation must be given where the injured person requires the constant help of another person. A workman is entitled to medical, surgical and pharmaceutical aid and to the supply and normal renewing of artificial limbs and surgical appliances or to a money payment in place of them. Provision must be made to ensure the payment of compensation in the event of the employer or insurer becoming insolvent.

The Convention leaves each country free to determine whether compensation shall be payable directly by the employer or by an accident or sickness insurance institution.

This Convention has been ratified by 25 States. It can be ratified by Canada only if the federal, provincial and territorial laws comply with its standards. The most outstanding differences are in scope. The Convention includes domestic servants which are nowhere included in Canada. It applies also to industrial undertakings irrespective of the number employed, to commercial establishments, such as shops, hotels, restaurants, places of amusement, banks and offices of various kinds, to hospitals and other institutions of a commercial or of a non-profit nature.

The scope of the Canadian Acts is set out on p. 11.

Agriculture

Convention (No. 12), adopted at the 1921 Session of the Conference, requires all agricultural wage-earners to be included within the scope of workmen's compensation. This Convention has been ratified by 25 countries including the United Kingdom and New Zealand.

In Canada, farm workers are not compensable except to a very small extent. However, in most provinces agricultural workers may be brought within the scope of the Act either by regulation of the Board or by Order in Council, (p. 13).

Occupational Diseases

The 1925 Convention providing for compensation for poisoning by lead or its alloys or compounds, poisoning by mercury or its amalgams and compounds, and for anthrax infection was ratified by 31 States. The 1934 Convention has been ratified by 23 States, including the United Kingdom.

This Convention requires compensation to be paid in case of death or disability from any of the specified diseases in accordance with the general principles of the legislation providing for compensation for industrial accidents and at rates not less than those prescribed for accidental injury. In addition to the three diseases specified above, the 1934 Convention applies to silicosis, poisoning by phosphorus or arsenic or their compounds, poisoning by benzene or its homologues and their nitro- and amido-derivatives or by the halogen derivatives of hydro-carbons of the aliphatic series, pathological manifestations due to radium or other radio-active substances or to X-rays, and primary epitheliomatous cancer of the skin.

Only Ontario and Saskatchewan provide compensation for all these diseases. For the diseases compensable in each province, see p. 29.

A Recommendation (No. 24) of the 1925 Conference is to the effect that each State should adopt a simple procedure for revising the list of diseases for which compensation is payable. In Canada, all provinces may add to the list by regulation of the Workmen's Compensation Board.

Minimum Scale of Compensation

The Recommendation (No. 22) concerning the Minimum Scale of Workmen's Compensation proposes for permanent total incapacity a periodical payment equal to two-thirds of the workman's annual earnings and in case of temporary total incapacity a daily or weekly payment equivalent to two-thirds of the workman's basic earnings as calculated for purposes of compensation. In case of permanent or temporary partial incapacity, the benefit proposed is a proportion of the periodical payment due in the event of permanent or temporary total incapacity, respectively calculated in reference to the reduction in earning power.

Where periodical payments are made, the maximum yearly total paid to all dependants should not be less than two-thirds of the annual earnings of the deceased workman. Where compensation is paid in a lump sum, the maximum payable to all dependants should not be less than the capitalized value of periodical payments equivalent to two-thirds of the annual earnings.

The Recommendation further proposes that provision be made for the vocational re-education of injured workmen, and institutions which undertake such re-education should be encouraged by the Government.

Those entitled to be regarded as dependants under the Recommendation include at least the consort, children under 18 and invalid children over that age, dependent grandchildren and brothers and sisters within the same age-limits, and dependent parents and grandparents.

In the Canadian provinces compensation is payable on at least as high a scale except that in all provinces a limit is placed on the maximum earnings which may be taken into account when calculating compensation. Further, compensation is normally paid only in respect of children under 16 except in New Brunswick and Quebec where the normal age is 18. In New Brunswick, however, payments cease if the child does not attend school up to 18 years. Exceptions are made for invalid children in all provinces and in Alberta, British Columbia, Manitoba, Newfoundland, Nova Scotia, Ontario, Prince Edward Island and Saskatchewan, for children continuing their education up to 18 years of age.

Equality of Treatment for National and Foreign Workers

The Convention (No. 19) concerning Equality of Treatment for National and Foreign Workers as regards Workmen's Compensation for Accidents has been ratified by 40 countries, including the United Kingdom.

This Convention requires each State which ratifies it to grant to the nationals of any other State which ratifies the Convention the same treatment in regard to compensation for accidents happening in its territory as it accords to its own nationals. This treatment is to be given to foreign workers and their dependants without any conditions as to residence. Special arrangements between the States concerned are to regulate, if necessary, the payments to be made outside the territory of any Member State. Agreements may be made between Member States providing that compensation for accidents happening to workers who are temporarily or intermittently employed in the territory of one Member, on behalf of an undertaking situated in the territory of another Member, shall be governed by the laws of the latter Member State.

The Canadian provisions relating to Equality of Treatment are stated on page 22.

The Recommendation (No. 25) on the same subject is to the effect that measures should be taken to facilitate the payment of compensation to foreign workers, and that in case of dispute concerning the non-payment or reduction of compensation due to a person residing elsewhere than in the territory where his claim originated, facilities should be afforded for taking legal proceedings in such territory without requiring the attendance of the persons concerned.

Jurisdiction in Disputes

Recommendation No. 23 relates to jurisdiction in disputes concerning workmen's compensation. Since such disputes turn not only on the interpretation of laws and regulations but also on questions of an occupational character requiring a thorough knowledge of working conditions, it is recommended that every dispute relating to workmen's compensation should be dealt with by a special court or board of arbitration comprising, with or without the addition of regular judges, an equal number of employers' and workers' representatives nominated or appointed to act as adjudicators by their respective organizations or elected by bodies of employers and workmen. Where such disputes are dealt with by ordinary courts of law, the courts should be required to hear employers' and workers' representatives as experts in cases involving questions of an occupational character and, in particular, the question of degree of incapacity.

Occupational Diseases

The following table shows the diseases for which compensation is payable under the Workmen's Compensation Acts by provinces but in Manitoba and Ontario any disease peculiar to an industrial process or occupation is to be compensated:

Aero 'otitis' media in any process in which rapid alteration in atmospheric pressure is encountered	) ) )	British Columbia
Anthrax)	
Arsenic poisoning or its sequelae)	
Lead poisoning or its sequelae	)	All provinces
Mercury poisoning or its sequelae)	
Phosphorus poisoning or its sequelae)	
Ammonia poisoning or its sequelae	) )	New Brunswick, Prince Edward Island, Saskatchewan
Ankylostomiasis	) ) )	British Columbia, Manitoba, Newfoundland, Nova Scotia, Ontario, Saskatchewan
Asbestosis	)	British Columbia, Quebec
Asthma and respiratory irritations due to exposure to organic or fibrous dusts, as in handling grain, furs, feathers, cedar, mahogany, wool, rock-wool, asbestos or wood	) ) ) ) ) )	British Columbia
Benzene (benzol) poisoning and poisoning by its homologues, nitro- and amino-derivatives, anilin and others	) ) ) )	Alberta, British Columbia, Manitoba (munition making), Newfoundland, Ontario, Quebec, Saskatchewan
Bovine tuberculosis contracted from handling of animals or from laboratory work	) ) )	Saskatchewan
Brass, zinc or nickel poisoning or its sequelae	) )	Newfoundland, New Brunswick, Ontario, Quebec, Saskatchewan
Bronchitis and pulmonary oedema in any process using oxyacetylene or electric arc for cutting or welding	) ) )	British Columbia
Brucellosis contracted from handling of animals or from laboratory work	) )	Saskatchewan

Bursitis (see also Cellulitis)	) Newfoundland, Ontario, Prince) Edward Island, Quebec, Saskatchewan
- acute, elbow	) British Columbia, Newfoundland,) New Brunswick, Nova Scotia
- prepatellar	) British Columbia, New Brunswick
Cadmium poisoning	) Ontario, Quebec, Saskatchewan
Cancer arising from the manufacture, handling or use of pitch or tar	) Newfoundland)
Cancer, epitheliomatous, or ulceration of the skin or cornea due to tar, pitch, bitumen, mineral oil or paraffin, or any compound, product or residue of any such substance	) ) ) Nova Scotia, Ontario, Prince) Edward Island, Saskatchewan)
Carbon bisulphide poisoning or its sequelae	) British Columbia, Newfoundland,) New Brunswick, Ontario, Prince) Edward Island, Saskatchewan
Carbon dioxide poisoning or its sequelae	) Newfoundland, New Brunswick,) Ontario, Saskatchewan
Carbon monoxide poisoning or its sequelae	) British Columbia, Newfoundland,) New Brunswick, Ontario, Quebec,) Saskatchewan
Cellulitis, subcutaneous, hand	) Alberta, British Columbia,) Newfoundland, Nova Scotia
- -, - -, patella	) British Columbia, Newfoundland,) Nova Scotia
Chlorinated hydro-carbons (carbon tetrachloride, trichlorethylene, tetrachlorethane, trichlornaphthalene and others), poisoning by or its sequelae	) ) British Columbia, Ontario,) Quebec, Saskatchewan))
Chlorine poisoning	) Saskatchewan
Chrome poisoning	) Newfoundland, Ontario, Quebec,) Saskatchewan
Chromium and its compounds, dermatitis in any process using	) British Columbia)
Circulatory disturbances of the extremities in any process involving muscular effort at low temperatures or handling cold materials	) ) British Columbia))

Compressed air illness	) British Columbia, Newfoundland,) New Brunswick, Ontario, Quebec,) Saskatchewan
Conjunctivitis from exposure to dust from spices, dust, heat, gases, fumes, vapours, mists or smoke	) British Columbia
Conjunctivitis and/or retinitis due to electro- and oxy-acetylene welding	) British Columbia, Manitoba,) Newfoundland, New Brunswick,) Ontario, Prince Edward Island,) Quebec, Saskatchewan
Cyanide, dermatitis in any process involving the use of	) British Columbia
Cyanide poisoning	) Saskatchewan
Dermatitis and occupational ulcerations and infections of the skin	) Manitoba
Dermatitis and infection of skin or contact surfaces due to oils, cutting compounds or lubricants, dust, liquids, fumes, gases or vapours	) Alberta
Dermatitis in any process involving contact with chemicals such as acids, alkalis or salts, solvents, disin- fectants, asphalt, creosote, coal-tar products, wood preservatives, sugar, soap, glue, cement, lime, sulphur, sulphur gases, cutting oils or petro- leum products, alder, cedar or cedar- bark fluff, hemlock, mahogany, spruce, teak, poison ivy, poison oak, ragweed or other plant life poisonous to human beings, hides, uncooked meats, fish or poultry, cloth, jute, hemp, dirty linen, rags or sacks, spices or essential oils; in any process in manufacturing or handling cheese or cereals; in picking, packing or canning of fruits or vegeta- bles; in handling copra; in manufacture or use of rock-wool, slag-wool, glass- wool, silica or silicates; in manufactu- ring brooms or brushes; in any process using dyes, inks or pigments; in any process using thioglycolates or other irritant substances in hairdressing; in any process where there is exposure to rubber, leather, plastics, paper, or dust from any of them; or from any allergic reaction to drugs such as penicillin, streptomycin and metaphen	) British Columbia

Dermatitis venenata in any process involving use of or contact with acids and alkalis or acids and oils or other irritants capable of causing it	) ) ) )	Newfoundland, Nova Scotia, Ontario, Prince Edward Island, Quebec, Saskatchewan
Formaldehyde poisoning	)	British Columbia, Saskatchewan
Frostbite	) ) )	Newfoundland, Nova Scotia, Prince Edward Island, Saskatchewan
Gastric irritation in any process using oxyacetylene gas or electric arc for cutting or welding	) ) )	British Columbia
Glanders	) )	Alberta, New Brunswick, Saskatchewan
Heat exhaustion	)	British Columbia
Infection from handling sugar	)	New Brunswick
Infected blisters from any process involving continuous friction, rubbing or vibration	) ) ) )	British Columbia, Newfoundland, Ontario, Prince Edward Island, Quebec Saskatchewan
Inflammation of the synovial lining of the wrist joint and tendon sheaths (tenosynovitis of the wrist)	) ) )	British Columbia, Newfoundland, Ontario, Quebec, Saskatchewan
Magnesium and its compounds, dermatitis in any process using	) )	British Columbia
Metal-fume fever in any process involving welding on galvanized material or exposure to the oxides of zinc, manganese, cadmium, chromium or copper	) ) ) ) )	British Columbia
Miners' phthisis	)	Saskatchewan
Newcastle disease contracted from handling of poultry or from laboratory work	) )	Saskatchewan
Nickel and its compounds, dermatitis in any process using	) )	British Columbia
Nitrous fumes, poisoning by, or its sequelae	) ) )	British Columbia, Manitoba (munition making), Newfoundland, Ontario, Quebec, Saskatchewan
Petroleum and products, respiratory, gastro-intestinal, nerve and eye disorders due to	) )	Saskatchewan

Pneumoconiosis in quarrying, cutting, crushing, grinding or polishing of stone or grinding or polishing of metal	)	Newfoundland, Ontario
Pneumoconiosis (in Alberta, deemed to be silicosis, siderosis, lithosis) in mining; and in quarrying, cutting, crushing, grinding or polishing of stone or grinding or polishing of metal (in Quebec, also in smelting of metal and in potteries)	)	Alberta, Quebec, Saskatchewan
Pneumoconiosis in monument lettering and setting, stone dressing and cutting, sand-blasting, reduction and smelting of ores, manufacture of alabastine, lime and gypsum products, sewer-construction, road-construction, quarrying or tunnelling, grinding or polishing of stone or metal castings, or any process in any foundry or other manufacturing operation where there is exposure to pneumoconiosis- producing dust	)	British Columbia
Poisoning in any process involving use of a volatile solvent (in assembling or repairing motor-vehicles, or in making paints, paint removers or water-proof fabrics, printing, dry cleaning, welding or gasoline blending - Saskatchewan)	)	British Columbia, Saskatchewan
Poisoning in any process where there is exposure to methyl chloride	)	British Columbia
Poisoning caused by chemicals used in the painting industry	)	New Brunswick
Pulmonary and respiratory irritation from exposure to vapours, mists or dust	)	British Columbia
Respiratory disease due to inhalation of materials in non-offset sprays in printing industry	)	Ontario
Rhinitis from contact with allergens or chemical vapours or dust	)	British Columbia
Seal finger in handling seals or seal products	)	Newfoundland

Silicosis	) New Brunswick, Nova Scotia,) Prince Edward Island
Silicosis in mining	) Newfoundland, Ontario
Silicosis in any industry under Part I of the Act	) Manitoba
Silicosis in mining, quarrying, cutting, crushing, grinding or polishing of stone, or grinding or polishing of metal (also smelting of metal - Quebec)	) ) Alberta, Quebec,) Saskatchewan)
Silicosis in steel-sharpening in metalliferous-mining; grinding, repairing or handling tools or machinery in mine operations; ore- crushing or rock-crushing; or any work in mining where there is exposure to silica dust	) ) ) British Columbia)))))
Silicosis in making pottery	) Quebec
Stone workers' or grinders' phthisis	) Newfoundland, Ontario,) Saskatchewan
Sulphur poisoning or its sequelae	) New Brunswick, Prince) Edward Island
Sulphur poisoning in coal mining	) British Columbia
Sulphuric, hydrochloric or hydrofluoric acid, poisoning by	) Saskatchewan)
Tooth-erosion due to exposure to acid fumes or mist	) British Columbia)
Tuberculosis from employment in hospitals, sanatoria or clinics under the Act; in public health units of Province, University of British Columbia, municipality, school board or branch of Victorian Order of Nurses	) ) ) British Columbia))))
Tuberculosis contracted by a workman employed in a hospital, sanatorium or sanitarium to which Part I of the Act applies or in a provincial laboratory	) ) Ontario))
Ulceration of mucous membrane of the throat and nose due to exposure to acid fumes or mist	) ) British Columbia)

Undulant fever	) British Columbia, Prince) Edward Island
Vascular disturbances in the extremities due to continuous vibration of machines or power tools (in Saskatchewan, upper extremities)	) ) British Columbia,) Saskatchewan)
Wood alcohol, poisoning by	) British Columbia,) Saskatchewan
X-rays, radium or other radio-active substances, any disease due to exposure to	) Ontario, Quebec (ulceration) or malignant disease),) Saskatchewan
X-ray apparatus in industry, or operation where X-ray or radium is used in hospitals under the Act, cutaneous, circulatory or blood-cell lesions or endocrine change from	) ) ) British Columbia))

Scale of Compensation

The table shows the benefits payable. Periodical payments may be commuted for a lump sum on certain conditions. In all provinces compensation is paid in respect of a foster-mother at the same rate as to a widow with one or more children for as long as payments to the children continue.

1. MONTHLY BENEFITS TO DEPENDANTS IN CASE OF DEATH OF WORKMAN

<u>Funeral</u>	Widow or Invalid	<u>C H I L D R E N</u>		Where only dependants are other than consort	<u>Maximum</u>
	<u>Widower</u>	<u>With Parent</u>	<u>Orphans</u>	<u>& child</u>	
<u>NEWFOUNDLAND</u>					
\$200 ⁴	\$50 plus sum of \$100	Under 16, \$12 each ¹	Under 16, \$20 each ¹	Sum reasonable and in proportion to pecuniary loss ²	2/3 of earnings. Minimum of \$50 to consort, \$12 to each child or \$20 to orphan child unless total benefits exceed \$100 ³
<u>PRINCE EDWARD ISLAND</u>					
\$150	\$50 plus sum of \$100	Under 16, \$12.50 each. ¹ Maximum to consort and children, \$100.	Under 16, \$25 each. ¹ Maximum \$100	As in Newfoundland. Maximum to parent or parents, \$30. Maximum in all, \$45 ²	75% of earnings ³
<u>NOVA SCOTIA</u>					
\$200	\$50 plus sum of \$100	Under 16, \$15 each. ¹ Maximum to consort and children, \$110	Under 16, \$25 each. ¹ Maximum \$100	As in P.E.I. ²	2/3 of earnings ³
<u>NEW BRUNSWICK</u>					
\$200 ⁴	\$50 plus sum of \$100	Under 18, if attend- ing school, \$12 each ¹	Under 18, if attend- ing school, \$25 each ¹	As in Newfoundland ²	2/3 of earnings ³
<u>QUEBEC</u>					
\$175	\$45 plus sum of \$100	Under 18, \$10 each ¹	Under 18, \$15 each ¹	As in Newfoundland ²	70% of earnings. Minimum \$55 to consort and one child, \$65 if more ³

1. In Alberta, Manitoba, Newfoundland, Nova Scotia, Ontario, Prince Edward Island and Saskatchewan payments to children may be made up to 18 years if desirable to continue education. In Alberta, Newfoundland, Nova Scotia, Prince Edward Island, Quebec and Saskatchewan payments to invalid children are continued so long as Board considers workman would have contributed to support. In British Columbia, Manitoba, New Brunswick and Ontario, payments are continued until recovery.
2. In all provinces compensation in these cases is continued only so long as Board considers workman would have contributed to support.
3. For maximum earnings that may be reckoned, see Table 2, Column 5.
4. In Newfoundland and New Brunswick, a sum not exceeding \$125, and in Ontario, a sum determined by the Board, is paid for transporting the body from place of death to place of burial. In Alberta, British Columbia and Manitoba, the maximum allowed is \$100. The Alberta and British Columbia Acts provide only for payment of transportation within the province.

	Widow or Invalid Widower	<u>CHILDREN</u>	Where only dependants are other than consort & child	
		<u>With Parent</u>	<u>Orphans</u>	<u>Maximum</u>
<u>ONTARIO</u>				
0 ⁴	\$50 plus sum of \$200	Under 16, \$12 each ¹	Under 16, \$20 each ¹	As in Newfoundland. Maximum \$100 ²
				Average earnings. Minimum of \$50 to consort, \$12 to each child or \$20 to orphan child unless total benefits exceed \$100 ³
<u>MANITOBA</u>				
0 ⁴	\$50 plus sum of \$100	Under 16, \$12 each ¹	Under 16, \$20 each ¹	As in Newfoundland. Maximum \$30 each. Maximum in all, \$60 ²
				2/3 of earnings. Minimum \$12.50 per week if one child; \$15 if more ³
<u>SASKATCHEWAN</u>				
5	\$60 plus sum of \$100	Under 16, \$25 each ¹	Under 16, \$30 each ¹	As in Newfoundland ²
				Average earnings. Minimum \$60 to widow or invalid widower; \$85 to widow or widower and one child; \$100 if more children ³
<u>ALBERTA</u>				
4 ⁴	\$50 plus sum of \$100	Under 16, \$25 each ¹	Under 16, \$25 each plus an amount not exceeding \$10 to age of 18 ¹	As in Newfoundland. Maximum to parent or parents, \$50. Maximum in all, \$85
<u>BRITISH COLUMBIA</u>				
4 ⁴	\$75 plus sum of \$100	Under 16, \$20 each ¹ ; if attending school, \$20 between 16 and 18 years	Under 18, \$30 each ¹ ; \$27.50 if able to attend school between 16 and 18 years and not attending	(a) As in Newfoundland. Maximum \$75 to parent or parents. Maximum in all, \$75 (b) If there is widow or invalid widower or orphans, maximum to parent or parents, \$75 ²

In Manitoba, Alberta, Newfoundland, Nova Scotia, Ontario, Prince Edward Island and Saskatchewan payments to children may be made up to 18 years if desirable to continue education. In Alberta, Newfoundland, Nova Scotia, Prince Edward Island, Quebec and Saskatchewan payments to invalid children are continued so long as Board considers workman would have contributed to support. In British Columbia, Manitoba, New Brunswick and Ontario, payments are continued until recovery.

In all provinces compensation in these cases is continued only so long as Board considers workman would have contributed to support.

For maximum earnings that may be reckoned, see Table 2, Column 5.

In Newfoundland and New Brunswick, a sum not exceeding \$125, and in Ontario, a sum determined by the Board, may be paid for transporting the body from place of death to place of burial. In Alberta, British Columbia and Manitoba, the maximum allowed is \$100. The Alberta and British Columbia Acts provide only for payment of transportation within the province.

2. BENEFITS IN CASE OF DISABILITY

<u>P E R M A N E N T</u>		<u>T E M P O R A R Y</u>		<u>Maximum Earnings Reckoned</u>
<u>Total</u>	<u>Partial</u>	<u>Total</u>	<u>Partial</u>	
<u>NEWFOUNDLAND</u>				
2/3 of earnings. Minimum \$65 per month or earnings, if less	2/3 of difference in earnings before and after accident ^{1,2}	2/3 of earnings for duration of disability. Minimum \$15 per wk. or earnings, if less	2/3 of difference in earnings before and after accident for duration of disability ^{1,2}	\$3,000 per annum
<u>PRINCE EDWARD ISLAND</u>				
75% of earnings. Minimum \$15 per wk. or earnings, if less ³	75% of difference in earnings before and after accident ^{1,2,3}	75% of earnings for duration of dis- ability. Minimum \$15 per wk. or earnings, if less ³	75% of difference in earnings before and after accident for duration of disability ^{1,2,3}	\$2,500 per annum
<u>NOVA SCOTIA</u>				
2/3 of earnings. Minimum \$85 per month	2/3 of difference in earnings before and after accident. If disability 25% or more, average earnings must be taken as not less than \$18.75 per wk. ¹	2/3 of earnings for duration of dis- ability. Minimum \$12.50 per wk. or earnings, if less	2/3 of difference in earnings before and after accident for duration of disability ^{1,2}	\$3,000 per annum
<u>NEW BRUNSWICK</u>				
Average earnings but not in excess of 2/3 of \$3,000	Amount determined by Board. Lump sum may be given	2/3 of earnings for duration of dis- ability. Minimum \$15 per wk. or earnings, if less	If earning capacity diminished by more than 10%, 2/3 of difference in earn- ings before and after accident for duration of disability	\$3,000 per annum
<u>QUEBEC</u>				
70% of earnings. Minimum \$15 per wk. or earnings, if less	70% of difference in earnings before and after accident ^{1,2}	70% of earnings for duration of disability. Minimum \$15 per wk. or earnings, if less	70% of difference in earnings before and after accident for duration of disability ^{1,2}	\$3,000 per annum

1. If earning capacity is diminished 10% or less, a lump sum may be given.
2. The minimum payable in case of partial disability is the same proportion of the minimum for total disability (see preceding column) as impairment is of full earning capacity.
3. The Board may fix compensation on basis of \$15 per week, even though average earnings are less than \$15.

PERMANENT

TEMPORARY

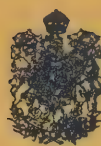
Maximum
Earnings
Reckoned

<u>Total</u>	<u>Partial</u>	<u>Total</u>	<u>Partial</u>	
<u>ONTARIO</u>				
75% of earnings. Minimum \$100 per month or earnings, if less	Based on impaired earning capacity estimated from nature and degree of injury. If more equitable, 75% of difference in earnings before and after accident ^{1,2}	75% of earnings for duration of dis- ability. Minimum \$15 per wk. or earnings, if less	75% of difference in earnings before and after accident for duration of disability ^{1,2}	\$4,000 per annum
<u>MANITOBA</u>				
2/3 of earnings. Minimum \$15 per wk. or earnings, if less	2/3 of difference in earnings before and after accident ¹	2/3 of earnings for duration of dis- ability. Minimum \$15 per wk. or earnings, if less	2/3 of difference in earnings before and after accident for duration of disability ¹	\$3,000 per annum
<u>SASKATCHEWAN</u>				
75% of earnings. ³ Minimum \$20 per wk.	Proportion of 75% of earnings based on impaired earn- ing capacity estimated from nature and degree of injury, or if more equitable, 75% of difference in earnings before and after accident ^{1,2}	75% of earnings for duration of dis- ability. Minimum \$15 per wk. or earnings, if less	Proportion of 75% of earnings based on impaired earn- ing capacity estimated from nature and degree of injury, or if more equitable, 75% of difference in earnings before and after accident for duration of dis- ability ^{1,2}	\$4,000 per annum (from January 1, 1953.)

1. If earning capacity is diminished 10% or less, a lump sum may be given.
2. The minimum payable in case of partial disability is the same proportion of the minimum for total disability (see preceding column) as impairment is of full earning capacity.
3. Where compensation to workman with dependants would be less than \$1,200 a year, Board may increase compensation in respect of dependants by specified monthly amounts. In such cases, total amount payable may not exceed \$1,200 a year.

<u>PERMANENT</u>		<u>TEMPORARY</u>		<u>Maximum Earnings Reckoned</u>
<u>Total</u>	<u>Partial</u>	<u>Total</u>	<u>Partial</u>	
<u>ALBERTA</u>				
75% of earnings. Minimum \$25 per wk. or earnings, if less	Proportion of 75% of earnings based on impaired earning capacity ¹	75% of earnings for duration of disability. Minimum \$25 per wk. or earnings, if less	Proportion of 75% of earnings based on impaired earn- ing capacity for duration of dis- ability	\$3,000 per annum
<u>BRITISH COLUMBIA</u>				
70% of earnings. Minimum \$15 per wk. or earnings, if less	70% of difference in earnings before and after accident or may be based on impaired earning capacity	70% of earnings for duration of disability. Minimum \$15 per wk. or earnings, if less	70% of difference in earnings before and after accident or may be based on impaired earning capacity for duration of dis- ability	\$3,600 per annum

1. If earning capacity is diminished 10% or less, a lump sum may be given.



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WORKMEN'S COMPENSATION **IN CANADA**

A COMPARISON OF PROVINCIAL LAWS

1953



DEPARTMENT OF LABOUR OF CANADA
LEGISLATION BRANCH

HON. MILTON F. GREGG,
MINISTER

A. H. BROWN,
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C O N T E N T S

	<u>Page</u>
Introduction	1
Changes in 1953	2
Individual Liability	7
Federal Government Employees	9
Blind Workmen	10
Workmen's Compensation Boards	10
Cost of Administration	11
Scope of Laws	12
Farm Labourers and Domestic Servants	14
Clerical and Casual Workers and Outworkers	14
Seamen	15
Risks Covered	16
Occupational Diseases	16
Waiting Period	17
Medical Aid	18
First Aid	20
Rehabilitation	20
Accidents Occurring Outside the Province	21
Non-resident Workmen and Dependants	23
Security for Payment of Compensation	24
Accident Prevention	25
International Labour Conventions and Recommendations	27
Occupational Diseases Compensated by Provinces	31
Scale of Compensation	38

WORKMEN'S COMPENSATION IN CANADA

A Comparison of Provincial Laws in December, 1953.

Introduction

Each of the ten Canadian provinces has a Workmen's Compensation Act which provides that, in any industry to which the Act or the main part of it applies, workers who sustain personal injury by accident arising out of and in the course of their employment or who are disabled by specified industrial diseases are entitled to compensation. The only exceptions are: (1) where the workman is disabled for less than a stated number of days (see "Waiting Period" p.17); or (2) where the injury is attributable solely to his serious and wilful misconduct and does not result in death or serious disablement.

All of these Acts are of the "collective liability" type, that is, compensation is payable by employers collectively, the industries covered by the Act being divided into groups and the employers in each group being collectively liable for the payment of compensation to the workmen employed in the industries in that group.

Employers are required to contribute to what is known as the Accident Fund, and compensation and medical aid to injured workmen are paid by the Workmen's Compensation Board out of the Fund. No contributions from employees, either directly or indirectly, are permitted.

Industries are classified according to their hazard and each class is liable for the cost of accidents occurring in that class although for the purpose of compensation the Accident Fund is one. At the beginning of each year an employer is required to send to the Board a statement of the amount of the wages paid by him during the preceding year and an estimate of his payroll for the current year. The Board fixes a provisional contribution rate, a percentage of payroll, for each class which will produce sufficient funds to meet all claims payable during the year. Assessment is made at the provisional rate on the estimated payroll. At the end of the year the assessment is adjusted according to the actual payroll and to the accident experience of the group or class. If necessary, the provisional rate is altered to meet the requirements of the year.

The right to compensation is not affected by the employer's neglect or refusal to furnish information or to pay his assessment or by his insolvency. The compensation to which a workman is entitled under the Act takes the place of his right of action, and he may not sue his employer in court for damages for an injury received in the course of employment.

All claims for compensation are received and determined by the Workmen's Compensation Board whose decision is final.

Benefits under the Acts include fixed monthly payments to dependants in case of the death of the workman, periodic payments to the workman for disability (in three provinces 2/3 of average earnings, in three 70% of earnings and in four 75% of earnings), medical aid and rehabilitation. In addition to monthly benefits, a widow receives a lump sum payment and an allowance for funeral expenses.

In all provinces but Prince Edward Island this compulsory state system of collective liability replaced a system of individual liability on the part of the employer as provided for in earlier statutes, but an individual liability Act is still in force to some extent in Saskatchewan. The collective liability system of state insurance was adopted in Ontario in 1914 following a comprehensive report on employers' liability for accidents by a special commissioner appointed to inquire into the subject. Nova Scotia followed Ontario's example with variations in some points in 1915, British Columbia in 1916, Manitoba in 1916 in respect to collective liability but not state insurance until 1920, Alberta and New Brunswick in 1918, Saskatchewan in 1929 and Quebec in 1931. Prince Edward Island passed its first Workmen's Compensation Act in 1949. In 1950 Newfoundland enacted a collective liability statute which went into effect on April 1, 1951. While the Acts vary from province to province in some particulars, the main principles are the same, all the Acts having been modelled on the Ontario statute. Amendments are made from time to time and there is an increasing tendency towards uniformity.

In some provinces, it is the practice to have a periodical review of the operation of the Workmen's Compensation Act and employers and employees are given an opportunity to make representations. In Alberta, a review is usually made every five years and in 1951 a special legislative committee was named for this purpose. In Saskatchewan, a committee equally representative of employers and organized employees must be appointed by the Lieutenant-Governor in Council at least every four years to review the Act. An inquiry into the Ontario Act by a judicial commissioner was completed in 1950, and in British Columbia a similar Royal Commission reported in 1952. During 1952 and 1953 a special committee of the Legislature made an inquiry into the Manitoba Act.

Only the main points of the legislation are covered in this analysis. The scale of benefits and the occupational diseases which are compensated are set out in tables at the end of the bulletin. A summary of the provisions of the Conventions and Recommendations of the International Labour Conference on workmen's compensation permits a comparison between I.L.O. standards and the provincial statutes.

Changes in 1953

In 1953 amendments were made to the Workmen's Compensation Acts of seven provinces. In Newfoundland, New Brunswick and Prince Edward Island, they were of a minor nature and made no changes in benefits. Benefits were increased in Manitoba, Nova Scotia, Ontario and Saskatchewan and some of the Acts were amended in other particulars. The most general revision was in Manitoba where the principal recommendations of the special select committee of the Legislature which made an inquiry into the Act during 1952 and 1953 received legislative sanction.

The federal Merchant Seamen Compensation Act which provides benefit in case of employment injury to seamen who are not covered by a provincial Workmen's Compensation Act was amended, raising compensation rates. The amending Act was proclaimed in force from June 1, 1953.

Manitoba

In line with the recommendations of the special legislative committee, the Manitoba Legislature provided that compensation for disability should be based on 70% of average earnings instead of the former 66-2/3%.

As in Alberta in 1952 following a similar inquiry, provision was made for the payment of all widows and invalid widowers receiving compensation according to earlier scales of benefit at the present rate of \$50 a month. A new provision, with effect from April 18, 1953, stated that any such widow or widower, irrespective of when the accident occurred or of the date of the award of compensation, should be granted whatever additional amount was necessary to increase the monthly payment to \$50 and that the sums necessary to pay the increased pensions should be paid by employers within Part I of the Act.

Larger payments for dependent children were also provided for. The monthly pension for those in the care of a remaining parent was raised from \$12 to \$20 each and for orphans from \$20 to \$30 each.

The burial allowance was increased from \$150 to \$200. In addition, the Manitoba Board may pay all expenses of transporting the workman's body within the province (the limit of \$100 on the amount to be spent was removed) and, at its discretion, may pay part of the necessary expenses if the body has to be moved for burial either to or from a point outside the province.

The upper and lower limits which the Act places on the amount of compensation payable in death cases were also raised. As regards the maximum, the same percentage of earnings applies as in compensation for disability. The maximum amount of compensation which may be paid to the dependants of a deceased workman, exclusive of the burial allowance and lump sum of \$100 to the widow, is 70% of the workman's average monthly earnings (formerly 66-2/3%). Regardless of her husband's earnings, however, the minimum which a widow may receive, if she is the sole dependant, is \$50 a month; if she has one child, \$70; and if she has two or more children, \$90. The former minima were \$12.50 a week for a widow and one child and \$15 a week for a widow and two or more children.

Another amendment authorized the Board to spend up to \$10,000 a year on vocational training. Provision for vocational training had previously been made but the Act provided that the costs were to be met out of the reserve set aside for a workman's compensation. Costs are now to be paid from the Accident Fund.

A further amendment had to do with compensation for hernia. Compensation is payable for hernia caused by strain or accident arising out of employment, provided certain conditions are fulfilled, and also when a pre-existent hernia becomes strangulated as a result of an industrial strain or accident. The amendment permits the Board, at its discretion, to order payment of a claim, or part of a claim, for serious aggravation of a pre-existent hernia.

The Board was also given authority to refer a workman to a chiropractor or osteopath if it considers such treatment advisable. Formerly, such treatment could be given only at the request of the injured workman.

Other amendments made changes with respect to coverage. Provision was made for a common-law wife to receive benefits under the Act if there is no widow, and if she lived with the workman for the three years immediately preceding his death. Her compensation payments cease if she marries.

Clerical workers not exposed to the hazards incident to the employment, who were formerly excluded, may now be brought under the Act on the application of the employer, if approved by the Board.

The definition of "learner" was amended. A learner is defined as a person not under contract of service who becomes subject to the hazards of an industry under Part I for the purpose of undergoing training or probationary work as a preliminary to employment. The words restricting the training or probationary work to that "specified or stipulated by the employer" were struck out.

Two administrative changes were made, one of which provides for the appointment of an officer of the Department of Labour to assist an injured workman, at his request, in preparing and presenting his claim for compensation and to represent him at hearings when his claim is reviewed by the Board. The Legislature further provided that the term of office of the two members of the Board, other than the chairman, should be five years but that they may be re-appointed for a further term or terms.

Newfoundland

A section of the Newfoundland Act which excluded members of the employer's family who reside with him, subject to the provision that they could be brought under the Act on the employer's application, was repealed. There is now no specific provision in the Act with respect to members of the employer's family. Henceforth, if they are paid employees whose names appear on the employer's payroll statement, they will be entitled to benefits as workmen under the Act.

The Workmen's Compensation Board was given authority to use its discretion with respect to making payments for medical aid when an account is not received within six months after treatment is given. The Board may refuse to pay the account or may pay all or part of it as it thinks fit and as the circumstances warrant. Formerly, the Act provided that no payment could be made after six months had elapsed.

A further amendment provided that, in investing the funds under its control, the Board must have the approval of the Minister of Finance. The Board was also directed to place its funds in a bank approved by the Minister.

The section added in 1952 to provide for a second injury fund was re-worded and is now similar to the corresponding section of the Alberta and Manitoba Acts. It provides for a reserve fund "to be used to meet such part of the cost of claims of workmen suffering enhanced disabilities because of similar or other disabilities previously suffered, as in the opinion of the Board is due to the previous disabilities".

New Brunswick

The New Brunswick Act was amended to require the referral of disputed medical opinions to a medical referee to be appointed as provided by order of the Lieutenant-Governor in Council.

Provisions already in the Act stated that, subject to the suspension of his compensation or his right to compensation, a workman was required to have a medical examination, at his employer's request, by a doctor chosen and paid by the employer, and, if required by the Board, to be examined by a medical referee chosen by the Board.

Two new subsections provide that, where a workman has been examined either at his employer's request or by a doctor selected by himself and either employer or workman is dissatisfied with the medical report, the Board, on the application of either or on its own motion, must refer the matter to a medical referee.

The referee, whose decisions will be final, must certify to the Board as to the workman's condition and fitness for employment, specifying where necessary the kind of employment, and, if unfit, the cause of his unfitness for employment.

Nova Scotia

The Nova Scotia Legislature reduced from seven to five days the length of time during which a workman must be disabled before becoming entitled to compensation. If he is disabled for five days or longer, compensation is payable from the date of the accident. For a disability that lasts less than five days he receives medical aid only.

The compensation payable in death cases in respect of a ~~dependent~~ child under 16 years was increased from \$15 to \$20 a month and in respect of an orphan child from \$25 to \$30. These increases were made applicable to all children receiving compensation on May 1, 1953, as well as to dependent children in cases arising out of accidents occurring after that date.

Where there is no widow or children but other dependants, compensation is determined by the Board according to the pecuniary loss sustained, subject to certain limits laid down in the Act. The maximum amount of compensation payable to a parent or parents was raised from \$30 to \$45 a month and to all dependants other than widow or children from \$45 to \$60.

A further change was in the minimum payment for temporary total disability which is now \$15 a week or full earnings, if less than \$15. The former minimum was \$12.50 a week or earnings, if less.

Ontario

In Ontario, the monthly allowance for a widow or invalid widower was raised from \$50 to \$75. The allowance for each child under 16 was increased from \$12 to \$25 a month and that for an orphan child from \$20 to \$35 a month. These increases apply only to accidents happening after April 2, 1953, the date the amending Act went into force.

Another amendment increased the minimum monthly amounts payable to widow and children in death cases. The Act provides that, exclusive of burial expenses and the lump sum of \$200 to the widow, the monthly compensation to dependants cannot in any case exceed the average monthly earnings of the deceased workman. However, it further provides that, irrespective of the workman's earnings, compensation may not fall below certain minimum monthly payments. The amendment increased these payments as follows: to a widow or invalid husband who is the sole dependant, from \$50 to \$75; to a widow or invalid husband with one or more children from \$50 to \$75 for the widow or husband and from \$12 to \$25 for each child, subject to a maximum of \$150 (formerly \$100) for widow or invalid husband and children; to orphan children, from \$20 to \$35 a month each, but not exceeding in the whole \$150 (formerly \$100).

Three other amendments had to do with compensation for accidents which occur while workmen are employed out of Ontario. The Act already permitted the payment of compensation for injuries incurred outside the province by workmen whose residence and usual place of employment are in Ontario and who work for an employer whose business is located in Ontario, provided that the period of employment outside the province was of less than six months' duration. An amendment permits coverage for such workmen for a longer period than six months. An employer may apply to the Board to be assessed on the earnings of a workman who is to be employed out of the province for six months or longer, and, if the application is accepted, the workman or his dependants will be entitled to the benefits of the Act.

Where an accident happens out of Ontario on a ship or railway, and the workman resides in Ontario and is required to work both in and out of the province, compensation is payable as if the accident had occurred in Ontario. The scope of this section was extended to accidents occurring on an aircraft, truck, bus or other vehicle used to transport passengers or goods.

The third amendment, recommended by the Roach Royal Commission report in 1950, authorizes an agreement between the Ontario Board and the Board of any other province in order to eliminate the payment of double assessments by an employer whose workmen are employed part of the time in Ontario and part of the time in another province.

Prince Edward Island

The Prince Edward Island Workmen's Compensation Act was amended to provide that the three members of the Workmen's Compensation Board are not to be deemed persons employed in the public service for the purposes of the Public Service Superannuation Act.

Saskatchewan

In Saskatchewan, the maximum amount allowed for funeral expenses was increased from \$175 to \$250, and the Board was authorized to make an allowance of not more than \$100 for transportation of the body where death occurs away from the workman's usual place of residence. This provision is new.

By a further amendment, it was provided that compensation is to be payable to an invalid child of a deceased workman without regard to the age of the child, thus permitting the Board to make payments until recovery or death. The former provision permitted compensation to be paid only as long as the Board considered the workman would, if living, have contributed to the child's support.

With respect to benefits payable in disability cases, a new section was added to the Act which will allow the Board to pay compensation to a workman for a recurring disability on the basis of his present-day earnings if they are higher than his earnings at the time of the original injury. Under the new provision, if an injured workman has returned to work and thereafter suffers a temporary recurrence of his disability, compensation will be based on his weekly earnings at the time of the injury or his average weekly earnings during the twelve months preceding the recurrence of the disability, whichever amount is greater.

Another amendment authorizes the Board to assume the expense of replacing and repairing artificial limbs broken in an industrial accident.

A new section provides that, in addition to administering Part I of the Act (the collective liability system), the Board is empowered to perform other duties as may be assigned to it by the Lieutenant-Governor in Council. This would permit further responsibility for accident-prevention work to be vested in the Board.

Individual Liability

A Saskatchewan Act of 1911, under which the employer was individually liable and might insure his risk in a private insurance company, was superseded with respect to most industrial workers by the statute providing for collective liability but the earlier law remains in effect with respect to certain railway workers. The Workmen's Compensation (Accident Fund) Act does not apply to men in train service but members of the unions in which these workers are organized may be brought within its scope if a majority of the members indicate by ballot their desire to that effect. The Brotherhood of Locomotive Firemen and Enginemen came under this Act on April 1, 1948, the Brotherhood of Railroad Signalmen on February 20, 1951, and the International Brotherhood of Locomotive Engineers on January 1, 1953.

In this analysis the expression "Workmen's Compensation Act" when used with respect to Saskatchewan refers only to the later collective liability statute.

In Nova Scotia, Part III of the Act provides that compensation for accidents to persons employed in fishing or dredging shall be paid by the employer, who is required to insure to the extent of his liability with an insurance company. Compensation in these industries does not include medical aid or burial expenses but in other respects is on the same scale as in other industries. Payment, however, is enforced by an action in the courts and the Workmen's Compensation Board is not concerned with it.

Masters and members of the crews of fishing vessels in Newfoundland retain the protection of the 1948 individual liability Workmen's Compensation Act which was repealed in 1951 except with respect to its application to fishermen.

In Ontario and Quebec, public authorities and certain corporations such as railways, shipping, telephone and telegraph companies are themselves liable to pay compensation and provide medical aid for the workmen in their employ but the amount and all other questions are determined by the Workmen's Compensation Board as in the case of accidents for which compensation is paid from the Accident Fund. Such corporations contribute their proportion of the cost of administering the Act as do also the Federal and Provincial Governments. The individual liability of these public bodies and corporations is to be sharply distinguished from that of the railway companies under the earlier statute in Saskatchewan and from that provided for in Part II of the Act of certain provinces.

In British Columbia, Manitoba, Newfoundland, New Brunswick, Ontario and Prince Edward Island, the Workmen's Compensation Act is divided into two Parts. In Nova Scotia, as indicated above, there are three Parts. Part II of these seven statutes applies to industries to which Part I, providing for a provincial system of collective liability, does not apply. It is stipulated in Part II that a worker in an industry which is not under Part I of the Act, that is, not within the system of collective liability or of personal liability in the case of certain large employers in Ontario as administered by the Workmen's Compensation Board, has right of action against his employer for injury received in an accident caused by any defect in the machinery or plant of the employer or caused by his negligence or that of any persons employed by him. The fact that the worker continues in the employment with the knowledge of any defect or negligence is not a bar to the recovery of damages. Negligence on the workman's part may be a factor in determining the amount of damages. Thus, the workers in industries outside the workmen's compensation scheme, under which all accidents occurring to workmen within the scope of the scheme and arising in the course of employment are compensated without recourse to the law courts, are protected in some measure by the adoption of these principles which distinguish employer's liability from workmen's compensation and from the common law.

Ordinances of the Yukon and Northwest Territories make the employer individually liable to pay compensation. A new Ordinance for each of the Territories which continues to provide for a system of individual liability on the part of the employer but which made other significant changes was passed in 1952 and became effective from January 1, 1953.

As before, an employer in each Territory is required to carry accident insurance for his workmen in an approved company unless he has made other arrangements satisfactory to the Commissioner of the Territory.

Previously under the Yukon Ordinance, compensation was payable according to a scale of benefits set out in the Ordinance, and under the Northwest Territories Ordinance, the Commissioner was empowered to pay the difference between the maximum compensation payable under a policy of insurance and the amount which would be payable for a similar disability under the British Columbia Act. The new Ordinances now fix for both Territories the scale of compensation payable in Alberta under the Alberta Workmen's Compensation Act.

It has been arranged that the Workmen's Compensation Board of Alberta will act as Referee under both Ordinances to determine disputed claims. All claims for permanent disability will be referred by the Commissioner to the Referee for determination. Claims for temporary disability will be settled by the insurer. If an employee is dissatisfied with the disposition of his claim, however, he may apply to the Commissioner to have his claim reviewed by the Referee.

The provisions of the Ordinances with respect to coverage, compensable industrial diseases, etc., are substantially the same as those of the Alberta Act. Both Ordinances provide that where a workman is off work for six days or less, he receives medical aid but no compensation for the first three days of his disability. Only if a disability lasts for more than six days may a workman recover compensation from the date of the accident.

A widow receives a lump sum of \$100 and \$50 a month until death or re-marriage, together with \$25 a month for each child up to 16 years of age. Benefits to other dependants are the same as those set out in the Alberta Act.

A workman who is permanently and totally disabled is entitled to receive a life pension equal to 75% of his average weekly earnings. In any case he may not receive less than \$25 a week or his full earnings if less than \$25. In computing average earnings, \$3,000 a year is the maximum amount taken into account.

In addition to compensation payments, the injured workman is entitled to medical aid, the cost of which is borne by the employer.

A federal individual liability statute, the Merchant Seamen Compensation Act, 1946, covers seamen who are not within the scope of a provincial workmen's compensation Act. This Act is described on page 15.

Federal Government Employees

The Government Employees Compensation Act, 1947, which repealed an Act passed in 1918, provides that federal Government employees who are injured by accident arising out of and in the course of their employment or who are disabled by reason of a disease due to the nature of their employment, are entitled to receive compensation (including medical and hospital expenses) at the same rate as is provided for workmen employed by private employers under the Workmen's Compensation Act of the province in which the accident occurs or the disease is

contracted. The provincial Workmen's Compensation Board acts as the administrative authority in deciding the right to and the amount of compensation, and payment of compensation, including a proportion of administrative costs, is made by the federal Government.

Under this statute, federal Government employees are eligible for compensation for accidents arising out of their employment, whether or not persons in that class of employment would be eligible under the provincial Act concerned. By a 1952 amendment, an employee who is disabled by a disease which is due to the nature of his employment and peculiar to his occupation is entitled to compensation whether or not the disease is recognized as an industrial disease in the province in which he contracts it.

Amendments to the Act in 1951 provided that Government employees resident in the Yukon or Northwest Territories may be compensated for accidents or diseases according to the provisions of the Alberta Act.

The officers and employees of a number of Crown Companies, boards or agencies have been declared to be "employees" under the Act. These include, among others, Central Mortgage and Housing Corporation, the Canadian Broadcasting Corporation, Canadian Arsenal Limited, Atomic Energy of Canada Limited, Polymer Corporation Limited, Canadian Overseas Telecommunication Corporation, Canadian Commercial Corporation and the National Harbours Board.

Blind Workmen

In Alberta, Newfoundland, New Brunswick, Nova Scotia, Ontario and Saskatchewan, there are special statutes, and in Quebec there are special provisions in the Workmen's Compensation Act, dealing with compensation for blind workmen. In all these provinces, where compensation for an accident to a blind workman exceeds \$50, the Workmen's Compensation Board, or the employer if he is individually liable, is to be reimbursed from the Consolidated Revenue Fund of the Province, in Ontario for the full amount of such compensation, and in the other six provinces for the amount in excess of \$50, provided that at the time of the accident the workman was employed with the approval of an institute for the blind recognized by the Government of the Province for that purpose.

Workmen's Compensation Boards

Each Workmen's Compensation Act is administered by a board of three members, five in Quebec, called the Workmen's Compensation Board, or in Quebec, Workmen's Compensation Commission, who are appointed by the Lieutenant-Governor in Council. In Manitoba and Saskatchewan, only the chairman is required to devote his full time to the work. In Alberta, British Columbia, Newfoundland, Ontario and Quebec, all members must devote the whole of their time to their duties under the Act and engage in no other employment.

No limit is set on the tenure of office of members of the Workmen's Compensation Boards except with respect to the three members of the British Columbia Board and the chairman of the Saskatchewan Board whose term is limited to ten years and the two members of the Manitoba Board other than the chairman who are appointed for a five-year term. In all these cases members are eligible for reappointment.

The New Brunswick statute does not refer to the tenure of office of members of the Board. In Manitoba, Nova Scotia, Ontario and Prince Edward Island, Board members must retire at the age of 75, unless otherwise directed by the Lieutenant-Governor in Council. In Alberta, British Columbia and Newfoundland, they must retire on reaching the age of 70.

The industries within the scope of each Act except that of Newfoundland, New Brunswick and Prince Edward Island were classified by the Act according to accident hazard but the Board may add to these classes or subdivide or rearrange them and may also add to or withdraw industries from such classes. The New Brunswick statute provided that the classification should be made in the first place by the Board and the Prince Edward Island and Newfoundland Acts made similar provision. The Boards have authority to fix assessment rates appropriate to each class with preferential or merit rating in favour of industries with good accident records. They may collect assessments, determine the right to compensation and pay the amount due to workmen or dependants. The provincial Accident Fund must be so maintained as to be sufficient to meet all claims as they arise. In all these matters, the Boards of Alberta, British Columbia, Manitoba, Newfoundland, Ontario, Quebec and Saskatchewan have exclusive and final jurisdiction but New Brunswick, Nova Scotia and Prince Edward Island allow appeals to the Supreme Court of the province, with permission of a judge of that Court, upon questions of law or jurisdiction.

In case of dispute as to the payment of any assessment or other sum or of failure to pay such sums, any Board may file an order for payment with the clerk of the court specified in the Act, whereupon as an order of the court, it may be enforced like any other judgment.

Cost of Administration

In each provincial Act except that of New Brunswick it is stipulated that the salaries of Board members and the costs of administration are to be borne by the Accident Fund. In New Brunswick, the Act provides that the salaries of Board members and other costs of administration are to be paid from the Consolidated Revenue Fund, unless the Lieutenant-Governor in Council orders payment of any portion from the Accident Fund. In most provinces a grant was made by the Government in the early years of operation to assist in organizing the work and meeting initial expenses. The Prince Edward Island Act authorizes an annual grant not exceeding \$10,000 from the Provincial Treasury, and such a grant was given in the first year of operation. The Newfoundland Act provides that an annual contribution from moneys voted by the Legislature may be made towards the expenses of administration of the Act, and any sum so paid, not to exceed \$25,000, must be repaid to the Minister of Finance at his request. In British Columbia, Manitoba, Nova Scotia, Ontario and Quebec, an annual grant may be made from the Consolidated Revenue Fund to assist in defraying expenses but in none of these provinces is any financial assistance now given. Where, however, the Board is charged with other duties, the expenses in connection with them are paid by the Province.

In proportion to the accidents to their own employees, however, the federal and provincial Governments contribute, like other employers who are individually liable, to the cost of administration.

In British Columbia, the Act stipulates that the Chairman's salary shall be \$12,000 per annum and the salaries of the other members \$10,000. In the other provinces, the remuneration of Board members is determined by the Lieutenant-Governor in Council. In addition to the salary thus provided for, the Manitoba Act enables the Lieutenant-Governor in Council to authorize the payment to a Board member giving part-time service of an allowance of \$15 for each meeting of the Board in excess of fifty which he attends in any year.

Scope of Laws

The provincial Workmen's Compensation Acts vary in scope but, in general, they all cover employment, whether by way of manual labour or otherwise, in connection with or incidental to industrial undertakings, including lumbering, mining, quarrying, fishing, manufacturing, printing, engineering and construction, plumbing, painting, decorating and renovating, transport of passengers or freight by rail or water and transport of goods by road, operation of electric power lines, telegraph and telephone systems, waterworks and other public utilities, navigation and operation of boats, tugs and dredges, power laundries, bakeries, dairies, grain elevators, refrigeration plants or warehouses, freight or passenger elevators, lumber, wood and coal yards, scavenging and window-cleaning, dyeing and cleaning.

Theatres and places where moving-pictures are exhibited, automobile repair shops and service stations are within the scope of the Act in all provinces. Shops are covered in Alberta, British Columbia, Newfoundland, New Brunswick, Prince Edward Island, and Saskatchewan; hotels in Alberta, British Columbia, Newfoundland, New Brunswick, Ontario, Prince Edward Island and Saskatchewan; and restaurants in Alberta, British Columbia, Newfoundland, Ontario, Prince Edward Island and Saskatchewan. Hospitals are within the scope of the British Columbia, Newfoundland, New Brunswick, Ontario and Saskatchewan Acts; nursing homes are covered in British Columbia and Saskatchewan. Radio broadcasting stations are included in Alberta, British Columbia, Newfoundland, New Brunswick and Prince Edward Island. The operation of an office building or a building rented for manufacturing is under the Ontario Act, and the maintenance or operation of commercial or apartment buildings is under the British Columbia, Newfoundland and Saskatchewan Acts. Janitors and caretakers are covered in Newfoundland, New Brunswick and Prince Edward Island. Transport by air is expressly included in Alberta, British Columbia, New Brunswick, Ontario and Prince Edward Island. In Manitoba, it is included when carried on by certain subsidiaries of the Canadian Pacific Railway Company. In New Brunswick, however, the industry is only included if 200 workers are employed and in Prince Edward Island, if 100 workers are employed. Transport by bus is included in all provinces but Quebec.

In British Columbia, employers in practically all industries with the exception of farming are required to protect their workmen under the Act. Among the industries and occupations now covered are wholesaling, ice-harvesting, marine salvage, messenger or delivery service, funeral undertaking, blacksmithing, the non-industrial construction of buildings having a value of \$2,500 or more, and the operation of such places as golf courses, parks, horse-race courses, ice and roller-rinks, bowling-alleys and billiard-parlours, dance-halls, steam baths and beer-parlours.

There are other variations with respect to miscellaneous industries or occupations. The scope of the Acts is affected, too, through the power given in all provinces but Alberta and British Columbia to exclude small establishments. Some undertakings have been excluded unless more than a specified number are employed.

Municipal corporations and boards are deemed to be employers under all the Acts. As regards provincial Government employees, only those engaged in industries which are under the Act when carried on by a private employer are covered in some provinces, e.g., British Columbia, Manitoba and Quebec. In other provinces, e.g., Alberta, New Brunswick, Ontario and Saskatchewan, all employees of the provincial Government are protected.

In every province, certain classes of workers are declared not to be within the scope of the collective liability system or of personal liability as provided for in Ontario and Quebec. Power is given to the Boards, however, to include industries or workmen not within its scope in the first instance on certain conditions. In all provinces, an industry may be brought under the Act by the Board on application of the employer. Workmen, otherwise excluded, may be declared by the Board to be within the statute in British Columbia, Manitoba, Newfoundland, New Brunswick, Nova Scotia, Prince Edward Island and Saskatchewan if the employer applies for such action. In British Columbia, industries may be admitted by the Board on application of the workmen. In Alberta, any establishment or industry may be admitted on the application of the workmen but with respect to particular classes of workers, as indicated below, only if the employer consents. Of its own motion, the Board may bring industries within the Act in Alberta, British Columbia, Manitoba, Nova Scotia, Ontario and Quebec. In Newfoundland, New Brunswick and Saskatchewan, this may be done by the Lieutenant-Governor in Council on recommendation of the Board.

On the other hand, the Board in every province but British Columbia has power to exclude any industry from the Act or, in the case of Manitoba, Newfoundland, New Brunswick, Nova Scotia, Ontario and Saskatchewan, from Part I. In Ontario, Quebec and Saskatchewan, such exclusion must be approved by the Lieutenant-Governor in Council. In Alberta, Newfoundland and Ontario, the Board may exclude any particular trade or occupation from an industry under the Act.

As indicated above, undertakings in which not more than a stated number of workmen are usually employed may be excluded by order of the Board in all the provinces except Alberta and British Columbia. The Manitoba Board has not exercised its power to exclude small industries while, on the other hand, the Nova Scotia Board has excluded all industries employing less than five persons, and in Newfoundland and Prince Edward Island, all those employing less than three persons are excluded. In Newfoundland, New Brunswick, Prince Edward Island, Quebec and Saskatchewan, regulations exclude specific industries unless a stated number of workmen are usually employed. Similar regulations in Ontario were repealed effective from January 1, 1953. In Newfoundland, New Brunswick, Nova Scotia and Prince Edward Island, such undertakings may be readmitted by the Board, while in Manitoba and Ontario, if an employer or workman in an undertaking so excluded notifies the Board that he wishes to be included, the undertaking must be admitted. In Quebec, only by notification by the employer is the Board

required to include the undertaking in the collective liability scheme. In Saskatchewan, application by employer or workman in these cases must be approved by the Board.

Farm Labourers and Domestic Servants

Certain classes of workers, although they are expressly excluded by some of the Acts may, on certain conditions, be admitted. Among these are farm labourers, domestic servants, clerical and casual workers and outworkers.

In Manitoba, Newfoundland, New Brunswick, Nova Scotia and Prince Edward Island, the collective liability system is expressly declared not to apply to farm labourers or to domestic servants, while in Ontario, Quebec and Saskatchewan the "industry of farming" and domestic service are excluded.

In Manitoba, Newfoundland, New Brunswick, Nova Scotia, Prince Edward Island and Saskatchewan, either of these classes, and in Ontario the industry of farming, may be admitted to Part I on the employer's application. In New Brunswick and Saskatchewan, they may also be brought within Part I by the Lieutenant-Governor in Council on the Board's recommendation. Approximately 600 farmers in Ontario have been brought within the Act.

The Alberta Act applies only to specified industries and domestic service is not mentioned. As to farm workers, the statute provides that the industry of farming or ranching may be included by the Board on the application of the employer or of a majority of the employees with the employer's consent. A small number of persons carrying on farm operations together with some other undertaking have had their employees brought within the Act.

The British Columbia Act excludes domestic servants. Farming is not among the industries specified in the statute but under the Board's general power to declare industries or undertakings within the Act on the application of either employer or workmen, farm labourers may be brought within it. 72 farmers applied for coverage in 1950, according to the Sloan Royal Commission report, which recommended that the Act be amended to extend compulsory protection to all farm workers. It also recommended that a domestic servant or her employer be allowed to apply for coverage under the elective provisions of the Act.

Hence, in all provinces, except to a limited extent, farm labourers and domestic servants, or their dependants, have recourse only to an action at common law for damages for accidents arising out of employment.

Clerical and Casual Workers and Outworkers

In Manitoba, clerical workers who are employed in industries which are within the Act and who are not exposed to the hazards of the industry are excluded from Part I but they may be brought within the Act on the application of the employer. In the other provinces, clerical workers are eligible for compensation.

Casual workers, employed otherwise than for the purpose of the employer's business, and outworkers or persons to whom work is given to be done at home, are outside the scope of the collective liability system in all provinces. In British Columbia, Newfoundland, New Brunswick, Nova Scotia, Prince Edward Island and Saskatchewan, these two classes may be brought within the scope of the Act under the conditions outlined above (see p.13) . In Alberta, casual workers may be brought under the Act on application of the employer or of the majority of the workmen if the employer consents, but outworkers are declared outside the Act.

Seamen

The Merchant Seaman Compensation Act, 1946, applies to seamen excluding pilots, apprenticed pilots and fishermen, on ships registered in Canada or chartered by demise to a resident of Canada or to one whose principal place of business is in Canada provided that the ship is engaged in trading on a "foreign" voyage or on a "home-trade" voyage as these voyages are defined in the Canada Shipping Act. The Act may be applied by the Governor in Council to seamen hired in Canada and employed on a ship registered out of Canada but operated by a resident of Canada or a person having his principal place of business in Canada.

Under this Act, the employer of a seaman injured by reason of an accident arising out of and in the course of his employment is required to pay compensation in accordance with the scale set out in the Act, and to cover his risk by insurance or other means satisfactory to the Merchant Seamen Compensation Board. Payment is made by the employer direct. No compensation is payable where a seaman or his dependants are eligible for compensation under a provincial workmen's compensation law or under the Government Employees Compensation Act.

Benefits under the Act, as amended in 1953, include, in a fatal case, \$50 monthly to a widow, with \$15 for each child under 18 years, or \$25 for each orphan child, together with a maximum of \$200 for burial expenses if they are not borne by the employer in accordance with the Canada Shipping Act, and not more than \$125 for transportation and other expenses incurred in transferring the body to the place of interment. Monthly benefits in such cases may not exceed two-thirds of the seaman's average earnings. In case of total disablement, the seaman is entitled to two-thirds of his average earnings and for partial disablement, two-thirds of the difference between his average earnings before and after the accident.

Where benefits are based on average earnings, not more than \$3,600 annual earnings may be taken into account. Medical aid and compensation are payable from the date of disability if the injury disables the seaman for four days or more.

Seamen are within the scope of the Alberta, British Columbia, Manitoba, Newfoundland, New Brunswick, Nova Scotia, Ontario, Prince Edward Island and Quebec Acts but in some provinces they have been excluded by regulation and in such cases may file claims for compensation under the federal Act. Most claims under the federal Act come from the four Maritime Provinces.

During the period for which duty is payable to the Sick Mariners' Fund under the Canada Shipping Act, and seamen are, therefore, eligible for medical aid under specified conditions, the British Columbia, Newfoundland, New Brunswick, Nova Scotia and Prince Edward Island Acts stipulate that medical aid is not payable under their provisions. In British Columbia, however, in 1946 seamen were made eligible under the Workmen's Compensation Act for any additional medical aid not furnished under the Canada Shipping Act. (p. 20).

Risks Covered

Where in any employment within the scope of the provincial workmen's compensation system "personal injury by accident arising out of and in the course of the employment is caused to a workman", compensation is to be paid, including cash payments, medical and surgical aid and hospital and skilled nursing services. But no compensation is payable where the injury

is attributable solely to the serious and wilful misconduct of the workman unless the injury results in death or serious disablement.

This wording of the Ontario Act is reproduced in the statutes of Prince Edward Island and Quebec and, with some slight variation, in Alberta. In British Columbia, Manitoba, Newfoundland, Nova Scotia and Saskatchewan, the law is similar but the exception in favour of a workman whose misconduct caused the injury is limited to cases where the resulting disablement is permanent. The New Brunswick Act varies from that of Ontario in stipulating that no compensation shall be paid if the injury was, in the opinion of the Board, intentionally caused by the workman or was wholly or principally due to his intoxication or serious and wilful misconduct and did not result in the workman's death.

In all the provinces but New Brunswick the word "accident" is defined to include "a wilful and an intentional act, not being the act of the workman, and a fortuitous event occasioned by a physical or natural cause". In Newfoundland, Nova Scotia and Prince Edward Island, compensation is payable for injury by lightning, and the Newfoundland, Nova Scotia, Prince Edward Island and Saskatchewan Acts expressly include frostbite resulting from the workman's employment. A special clause in the Alberta Act provides that where a workman is found dead in a place where his employment might cause him to be, it shall be presumed that his death was the result of an accident arising out of his employment unless the evidence is sufficient to rebut the presumption. A similar provision in the Newfoundland and Nova Scotia Acts applies only to a workman found dead in the underground workings of a mine, (in Nova Scotia, of a coal mine).

Occupational Diseases

In addition to accidents, certain occupational diseases give a workman right to compensation in all the provinces, "if the disease is due to the nature of any employment in which he was engaged at any time within twelve months previous to the date of his disablement whether under one or more employments".

In Manitoba and Ontario, any disease peculiar to an industrial process is compensable. In all provinces but Alberta, it is stipulated that compensation shall not be paid if, at the time of entering into the employment, the workman had wilfully and falsely represented himself as not having previously suffered from the disease. In British Columbia, Manitoba, Ontario, Quebec and Saskatchewan, however, the workman is ineligible for compensation only if such false representation has been made in writing.

The diseases for which compensation is payable are set out in a schedule to each Act, or, in New Brunswick and Ontario, in the regulations of the Board. The Board in every province is given authority to add to the schedule and in all cases other diseases have been added to the original list. In New Brunswick, the Board was empowered to determine by regulation all the diseases to be compensated. The occupational diseases which are compensable under the provincial Acts are shown in tables beginning at page 31 .

In Newfoundland, New Brunswick and Prince Edward Island, the Board may require a workman in any employment to have a medical examination in order to determine whether he has an occupational disease, and if he refuses or fails to do so, the employer may not continue to employ him.

In all provinces compensation is payable for silicosis. In Alberta, British Columbia, Manitoba, Nova Scotia, Ontario, Quebec and Saskatchewan, silicosis is compensated under certain conditions, that is, the workman must have been employed for a stated period in a specified industry where he was exposed to silica dust. In Nova Scotia and Prince Edward Island, it is compensated if it occurs in any industry in which silica dust may be inhaled, and in Manitoba in any industry within the scope of Part I.

Waiting Period

Each Act provides for a "waiting period", which varies from one to seven days.

In Alberta and Saskatchewan, the waiting period is one day, that is, no compensation is payable for a disability that lasts only for the day of the accident but if the worker is disabled for any longer time, compensation is payable from and including the day after the accident.

The British Columbia and Manitoba Acts provide for a waiting period of three days and a qualifying period (six days in British Columbia and seven days in Manitoba) at the expiration of which compensation is payable from the date of the accident. A worker in British Columbia whose disability lasts six days or less cannot recover compensation for the first three days of his disability. Only if a disability lasts longer than six days is compensation payable from the day of the accident. Similarly, an injured worker in Manitoba has to be off work longer than seven days in order to be eligible for compensation from the date of the accident.

In Newfoundland, New Brunswick and Prince Edward Island, the waiting period is four days; in Nova Scotia and Ontario, it is five days; and in Quebec, it is seven days. Workers receive no compensation, therefore, for short periods of disability, that is, less than four days in Newfoundland, New Brunswick and

Prince Edward Island, less than five days in Nova Scotia and Ontario, and less than seven days in Quebec. Where the disability continues beyond the waiting period, compensation is payable from the date of the lay-off.

Under all the Acts, medical aid is given from the date of the accident.

Medical Aid

In addition to cash benefits, the cost of medical aid for injured workmen is borne by the Accident Fund for as long as needed under all the provincial Acts. In Quebec, employers who are individually liable for compensation must furnish satisfactory medical aid or they may be ordered to pay for such aid as is procured by the workmen or the Board; in Ontario, the amount must be paid by such employers through the Board.

In all provinces, medical aid includes medical, surgical, nursing and hospital services. In Ontario, it includes also treatment by persons registered under the Drugless Practitioners Act and the Chiropody Act and in Alberta and Saskatchewan, the term includes treatment by any person licensed under provincial law to practise the healing arts. In Manitoba, the Board may permit treatment by a registered osteopath or chiropractor. The British Columbia Act permits treatment by "persons authorized to treat human ailments" which would include chiropractors, chiropodists and naturopaths.

In British Columbia and Manitoba, it is expressly provided that the Board has authority to provide transportation for an injured workman. In Alberta, Newfoundland and New Brunswick, the term "medical aid" includes transportation. The New Brunswick Act requires an employer to transport the workman to a hospital, physician or to the workman's home, the cost to be paid for by the Board from the Accident Fund. In all other provinces, the cost of such transport must be borne directly by the employer. In Newfoundland, Nova Scotia and Prince Edward Island, if an employer fails to provide a conveyance he is liable to pay to the Board double the cost of transporting the workman.

The Boards of all provinces provide crutches, artificial limbs and other apparatus for injured workmen. In Newfoundland, Nova Scotia, New Brunswick, Ontario, Prince Edward Island, Quebec and Saskatchewan, workmen are entitled to have such apparatus kept in repair as the Board deems necessary, and in Alberta, British Columbia and Manitoba for as long as disability lasts. The Alberta, British Columbia, Manitoba and Quebec Acts specifically provide for medicines and in other provinces the cost of these may be included in the term "medical aid". In Alberta, British Columbia, Manitoba and Saskatchewan, the Board may replace and repair broken dentures, and in Newfoundland, Nova Scotia, Ontario and Prince Edward Island, the workman is entitled to such dental appliances and apparatus as may be necessary as a result of an accident and to have them kept in repair or replaced at the discretion of the Board. In New Brunswick, provision is made for dental aid. In Alberta, British Columbia, Manitoba, Newfoundland, Nova Scotia, Prince Edward Island and Saskatchewan, the Board may replace and repair eye-glasses broken by an accident arising out of employment. The Saskatchewan Board may bear the expense of the removal of infected teeth or tonsils which can be assumed to hinder an injured workman's recovery. In

Ontario, provision is made in permanent total disability cases for such other treatment, services or attendance as may be necessary as the result of the injury.

The Board is authorized to make a per diem subsistence allowance from the Accident Fund in Alberta, British Columbia and Newfoundland to a workman under treatment at a place other than that in which he resides. In Alberta, the allowance authorized to be paid is \$5 a day. No amount is specified in British Columbia and Newfoundland.

As regards the choice of a physician, the statutes in New Brunswick, Ontario and Saskatchewan merely stipulate that a workman must, if required by his employer, submit to a medical examination by a physician chosen and paid by his employer but, except in New Brunswick, only in accordance with the regulations of the Board. The implication is that in the first instance he may choose his own doctor. In Quebec, the Act expressly states that a workman may select his physician. In Alberta, British Columbia and Manitoba, the Board is authorized to permit the workman to be treated by his own physician and this is the usual practice provided one reasonably near is chosen.

If so required by the Board, a workman under several of the Acts must submit to an examination by a medical referee chosen by the Board or to such other examination as the Board requires. In Alberta, in cases of dispute, the Board, if requested by the workman in writing, after consulting the workman's physician, must nominate two recognized specialists in the class of injury or ailment for which compensation is claimed and the workman may select one of them to conduct the examination. If he fails to make a choice, the Board may make it.

In all provinces the fees for medical aid are fixed by the Board.

Employers' Schemes for Medical Aid

Employers' schemes for medical aid to their workmen may, under all the statutes except that of Ontario, be continued or put into effect if, after considering the wishes of both workmen and employer, the Board deems them to be at least as favourable to the workmen as the provisions of the Act. Such a scheme, approved by the Board and under its supervision, may replace the arrangement for medical aid in the Act. In Manitoba and New Brunswick, no private schemes have been approved by the Board. The Alberta, Newfoundland, New Brunswick, Nova Scotia, Prince Edward Island, Quebec and Saskatchewan Acts stipulate that the employer is entitled to reimbursement out of the Accident Fund or to a reduction in his assessment rate where such a scheme is in force. In British Columbia and Manitoba, the Act states that employers' schemes for medical aid may be approved subject to such conditions as the Board may impose. In Newfoundland, New Brunswick, Nova Scotia, Prince Edward Island, Quebec and Saskatchewan, contributions from workmen towards the expense of medical aid are expressly forbidden except as may be permitted under a private arrangement for furnishing medical aid approved by the Board. In Nova Scotia, schemes in the coal industry under which the miners pay the cost through a long-established arrangement with the local doctors have been permitted to continue

in consideration of the employers' contributions to miners' relief societies which constitute virtually an insurance plan providing benefits in sickness and for dependants in case of death. In some districts these arrangements for medical treatment were altered so as not to apply to compensation cases.

Medical Aid for Seamen

The federal Merchant Seamen Compensation Act, which applies to seamen who are not within the scope of any provincial Workmen's Compensation Act, provides for medical aid from the date of disability if the injury disables for four days or more. The Act stipulates, however, that a seaman entitled to medical aid under the Canada Shipping Act is not entitled to medical aid under the 1946 statute for the same period or to the same extent.

In British Columbia, Newfoundland, New Brunswick, Nova Scotia and Prince Edward Island, the Workmen's Compensation Act stipulates that seamen on vessels on which duty is payable for the purpose of the Sick Mariners' Fund under Part V of the Canada Shipping Act shall not, during the period for which such duty is payable, receive medical aid under the Workmen's Compensation Act. In British Columbia, however, seamen are eligible under the Workmen's Compensation Act for any additional medical aid which is not furnished under the Canada Shipping Act. Under that Act, all ships arriving at any port in British Columbia, Manitoba, Newfoundland, New Brunswick, Nova Scotia, Ontario, Prince Edward Island or Quebec are required to pay a duty for the Sick Mariners' Fund but ships engaged in the coastal trade and fishing vessels are exempt. A master of a fishing vessel may, however, elect to pay the duty whereupon medical treatment is available to members of the crew.

First Aid

In all provinces, employers in industries in which it is deemed proper may be required by the Board to maintain such first-aid appliances and service as the Board may direct. In British Columbia, when the employer fails to comply with this provision the Board may install first-aid appliances and charge the cost of them to the employer. Regulations have been issued in most provinces setting out the minimum first-aid service required to be maintained according to the number of employees.

Rehabilitation

To aid in getting men back to work and in lessening any handicap, a Board may adopt any means considered expedient and pay the cost from the Accident Fund. Except in Alberta, British Columbia and Saskatchewan, the maximum amount that may be spent for rehabilitation in a year is fixed in the statute: \$5,000 in Prince Edward Island; \$10,000 in Manitoba; \$15,000 in Newfoundland and New Brunswick; \$20,000 in Nova Scotia; and \$100,000 in Ontario and Quebec. In Alberta, since 1948 a reserve fund has been set aside for the payment of expenses incurred by the Board in re-training and rehabilitation.

Accidents Occurring Outside the Province

The Act in each province makes some provision for compensation to workmen who are hired by an employer in the province and who are injured in accidents occurring outside its boundaries.

The determining factors are usually the employer's place of business and the residence and usual place of employment of the workman. Although the Acts vary in wording, in general they ensure protection to such workmen and guard against any overlapping.

In British Columbia, Ontario and Quebec, compensation is payable for an accident which occurs outside the province if the place or chief place of business of the employer and the residence and usual place of employment of the workman are in the province and provided that employment out of the province has lasted less than six months. In Ontario in 1953, however, a section was added to the Act which permits compensation to be paid in such circumstances when workmen are employed out of the province for a longer time than six months.

The Alberta Act provides that compensation is payable if the workman is a resident of the province or his usual place of employment is in the province, if the nature of the work is such that it is required to be performed both in and out of the province, and if the employment out of the province followed employment by the same employer in the province and has lasted less than 12 months (or longer if the Board permits).

In Newfoundland, Nova Scotia and Prince Edward Island, compensation is payable if the workman's usual place of employment is in the province, if the accident happens while he is out of the province for some purpose connected with his employment in the province and if employment out of the province has lasted less than six months or, in the case of Newfoundland, less than eight months. In these three provinces and in Quebec, however, compensation is only payable in such cases if the workman or his dependants are not entitled to compensation under the law of the place where the accident happens.

The Manitoba Act makes a workman eligible for compensation for an accident which occurs while he is outside the province merely for some casual and incidental purpose connected with his employment provided that he is a resident of the province and his employer has his place of business within its boundaries. A similar provision in the Ontario Act entitles a workman to compensation if his usual and principal place of employment is in Ontario even though his residence is outside the province.

There are, in addition to the above-noted provisions applying to any extra-provincial employment within the scope of the Acts, specific provisions in the British Columbia, Manitoba, Ontario and Quebec Acts which deal with accidents occurring outside the province in employment in connection with the transportation industry.

Compensation is payable in British Columbia, Manitoba and Ontario where an accident happens to a resident of the province who is employed on a steamboat, ship or vessel, railway or aircraft, or (except in Manitoba) on a truck, bus or other vehicle used to transport freight or passengers, and the nature of the

employment is such that it must be performed within and outside the province. An amendment to this section of the Manitoba Act in 1953 provided that members of a fire brigade or other municipal employees are eligible for compensation for an accident which occurs when their duties take them outside the province.

In Quebec, a workman resident in the province and employed in transport by land is entitled to compensation where he is required to perform his work both in and out of the province and one resident or hired in the province and employed in transport by water is eligible for compensation where his work must be performed partly within and partly outside the province if the vessel on which he is employed is either registered in a Canadian port or if the owner or charterer has his home or principal place of business in the province. There is a further provision in the Ontario Act similar to the above, which entitles a workman resident in Ontario to compensation for an accident which happens out of Ontario on a ship registered in Canada or on one of which the owner or charterer has his chief place of business in Ontario whether or not the workman had been employed previously in Ontario and regardless of the duration of his employment out of Ontario.

The Nova Scotia Act provides, as regards accidents outside the province, that before a workman is required to perform services out of Nova Scotia an employer must apply to the Board to have the industry brought under the Act and must pay the required assessment. Failure to do so makes him personally liable for compensation. This provision applies to the industry of "navigation" which is limited to work performed on a ship registered in Nova Scotia or operated by an employer residing or having his place of business in the province, and to voyages between Nova Scotia and New Brunswick, Prince Edward Island or Newfoundland. The Prince Edward Island Act has a similar section.

The New Brunswick and Saskatchewan Acts make no specific mention of transportation but merely provide that, where a workman is engaged in work part of which is to be performed in the province and part in an adjoining province or country, the work is considered as done in the province and compensation is payable accordingly.

In Nova Scotia and Prince Edward Island, an industry carried on outside the province may be declared by the Board, on the application of the employer, to be within the scope of Part I of the Act and compensation is payable to a workman employed in such an industry.

In British Columbia, Newfoundland, New Brunswick, Nova Scotia, Prince Edward Island, Quebec and Saskatchewan, if an employer fails to include the workmen whose work requires them to go outside the province in the report of his payroll to the Board and an accident occurs to any workman outside the province for which he is eligible for compensation, the employer is individually liable to pay such compensation. The British Columbia, Newfoundland, Nova Scotia and Prince Edward Island Boards, however, may exercise their discretion on this point according to the circumstances.

In Ontario, when the employer's place of business is not in the province, provision is made for the payment of compensation for accidents occurring outside the province under certain circumstances. If compensation is payable under the law of the place where the accident happened, compensation is not payable in Ontario whether the workman is a resident of the province or not, unless his place of employment is in the province and he was, at the time of the accident, out of the province merely for some casual purpose incidental to his employment.

In Alberta, British Columbia, Nova Scotia, Ontario, Prince Edward Island, Quebec and Saskatchewan, if an accident happening elsewhere than within the province entitles the workman to compensation under the law of another province or country in which the accident occurred as well as under the law of the province, the Act requires him to choose under which law he will claim compensation and to give notice accordingly.

Alberta, British Columbia, Manitoba, Newfoundland, Ontario and Saskatchewan provide for interprovincial agreements to facilitate the handling of cases in which workmen are employed outside the province. The Alberta Board may enter into an agreement with the Board of any other province to provide compensation for injuries to workmen who are employed under such conditions that part of their work is performed in Alberta and part in another province and to prevent a duplication of assessments. The British Columbia, Newfoundland and Ontario Boards may make arrangements with the Board of any other province to avoid duplication of assessments and may repay any other Board for any payment of compensation made under such an arrangement. In Manitoba, where a workman's employment requires him to be regularly outside the province, the Board may arrange with the employer and the Board of the other province the premium to be paid to each Board.

In Saskatchewan, the Act enables the Board, with the approval of the Lieutenant-Governor in Council, to arrange with the Boards of adjoining provinces with respect to compensation for injuries to workmen whose employment is at one time or season in one province and at another time or season in another, and also with respect to compensation for industrial diseases incurred by workmen whose employment extends across the interprovincial boundary. The Manitoba Act has a similar provision relating to industrial diseases.

Non-resident Workmen and Dependants

The question of compensation to workmen or their dependants who reside outside the province or outside of Canada is dealt with in all the Acts. In most of the provinces such compensation is granted only on condition that similar benefits are provided for by the law of the country in which the beneficiaries reside. The higher standard of living in Canada compared with many other countries has also been taken into consideration and it is frequently stipulated that the amount of compensation may be adjusted on this basis.

The British Columbia law stipulates that, where compensation is payable to persons residing outside of Canada, the Board may award a smaller sum if, in its opinion, dependants can be maintained on such smaller sum in

a like degree of comfort as dependants of the same class in Canada. The New Brunswick Act contains a similar provision with respect to dependent aliens residing outside of Canada.

In Quebec, dependants not residing in Canada may be awarded such sum in lieu of compensation as the Workmen's Compensation Commission deems proper.

A similar provision to that of Quebec is found in the Alberta, Ontario and Saskatchewan Acts. These statutes, however, while giving to the Board such discretionary power, stipulate, generally, that a dependant who does not live in Canada is not entitled to compensation, unless by the law of the place or country in which he resides, the dependant of a workman to whom an accident happens in that country, if resident in Canada, would be entitled to compensation.

In Manitoba, Newfoundland, New Brunswick, Nova Scotia and Prince Edward Island, the section dealing with non-resident dependants is like that in Alberta, Ontario and Saskatchewan except that in the five first-named provinces, the provision relates to dependants who do not live in the province as well as to non-residents of Canada, and in Newfoundland, New Brunswick, Nova Scotia and Prince Edward Island, the clause is permissive only. The Board is given power to order compensation to be paid in such cases. In New Brunswick, the statute requires an order in council to set out that provision is made by other provinces and countries for compensation in respect to workmen of those countries or provinces and benefits are payable to dependants resident in New Brunswick. Such an order in council was approved in February, 1919.

In the three provinces, Manitoba, Ontario and Saskatchewan, compensation awarded to non-resident dependants may not be greater than the amount of compensation that would be payable under the law of the other country if the dependant concerned under that law resided in one of these provinces and in Newfoundland, New Brunswick, Nova Scotia and Prince Edward Island, the Board may reduce the compensation in such a case to that payable under the law of the country concerned.

Security for Payment of Compensation

Default on the part of the employer in making the required returns to the Board or in paying his assessment does not affect the payment of compensation for an accident occurring during the period of default. In such case, the employer is liable, in Alberta and Manitoba, in addition to a penalty, to pay one-half of the compensation payable, or in Alberta, not more than \$300 and in Manitoba, not more than \$500. In the other provinces except Prince Edward Island, the employer is required to pay the full amount or capitalized value of the compensation as the Board determines. The Prince Edward Island Act makes the employer liable, in addition to a penalty, to pay \$100 for each week of default.

In every province where default is made in the payment of an assessment, judgment may be entered on a certificate filed in court by the Board. In Alberta, British Columbia, Manitoba, Newfoundland, New Brunswick, Nova Scotia and Prince Edward Island, the Board has right of action against the

employer and in Alberta, Ontario and Saskatchewan, if an assessment remains unpaid for 30 days the amount may be collected for the Board by the municipality in the same manner as taxes.

In Quebec, assessments have priority over any lien and in British Columbia and Alberta, over any lien except one for wages. In the other provinces, where an employer would be entitled to a lien the owner of the property is liable for the assessment or to a penalty if he fails to see that the employer pays it.

All the Acts provide that in the case of the death of the employer or of an assignment or winding up of a company the amount of any assessment or compensation for which the employer was liable shall be included among the debts, such as legal costs, taxes or wages, which, under the provincial statutes governing the distribution of estates in such cases, have priority over other claims against the property of the employer. The federal Bankruptcy Act also stipulates that all wages earned during the preceding three months and any indebtedness under a provincial Workmen's Compensation Act shall be preferred claims.

Accident Prevention

The Board in each province, except Manitoba, and any person appointed by the Board have authority to inspect the premises of any employer within the scope of the Act to ascertain whether proper precautions are being taken to prevent accidents and whether the safety appliances or safeguards required by law are being used. In Manitoba, the provincial Department of Labour is responsible for accident prevention work.

In Alberta, British Columbia, Newfoundland and Saskatchewan, the Board may determine the measures to be adopted or the safety devices to be installed for the prevention of accidents and diseases, making general or special rules for that purpose. Before adopting such rules, the British Columbia Board must arrange for them to be considered at a public hearing of which ten days' notice must be given and the Newfoundland and Saskatchewan Boards may hold a conference with a committee consisting of not more than five employers and an equal number of workmen in the industries affected by the regulations. In all these provinces and in Prince Edward Island, the Board may order an employer to install in his plant, within a specified time, any safety device which in its opinion is necessary. In British Columbia, Newfoundland and Saskatchewan, the Board may maintain museums or places for the exhibition of safety devices, publish and distribute bulletins on accident prevention, arrange for lectures on the causes and prevention of industrial accidents and diseases and appoint advisory committees on which employers and workmen are represented to assist the Board in establishing standards of safety and to recommend rules for that purpose. The Alberta Board has similar power to carry on education and instruction in accident prevention. Safety regulations have been made by the Boards of both Alberta and British Columbia. An accident prevention committee must be organized in every plant employing, in Alberta, 10 or more workmen, or in British Columbia, 20 or more.

In Newfoundland, New Brunswick, Nova Scotia, Ontario, Prince Edward Island and Quebec, associations of employers, and in Saskatchewan associations of employers and workmen, in any of the classes into which they are divided for purposes of assessment may make rules for accident prevention. In New Brunswick and Nova Scotia, one accident prevention association covers the province. In Ontario and Quebec, certain classes are organized separately, construction, pulp and paper, lumbering, mining and electrical work in Ontario and pulp and paper, lumbering and public utilities in Quebec. Employers in other classes in each province are associated in one body.

If the Newfoundland, Nova Scotia and Prince Edward Island Boards approve the rules, they become binding upon all employers in the class or classes whether members of the association or not. In New Brunswick, Ontario, Quebec and Saskatchewan, if the Board considers the association to be sufficiently representative of the employers affected and approves their rules, they become binding if they are approved also by the Lieutenant-Governor in Council. Where an association appoints safety inspectors, the Board in any of these provinces may pay the whole or part of their salaries out of the Accident Fund. A special grant may also be made towards the expenses of an association. Monies paid by the Board, under these provisions, are to be charged to the classes represented by the association concerned.

In Alberta, British Columbia and Prince Edward Island, if the Board considers that an accident is due to the inexcusable failure of an employer to comply with the regulations or with the directions of the Board, it may, in British Columbia, collect from the employer the amount of the compensation payable, not exceeding \$300 in any case, and in Alberta and Prince Edward Island, a sum not exceeding one-half of the amount of compensation payable. The Alberta Board may increase the assessment of an employer if it considers that precautions against accidents are not sufficient or that working conditions are not safe.

In British Columbia and Manitoba, where an industry is so circumstanced or conducted that the hazard is either greater or less than the average of the class to which the industry belongs, the Board may fix a higher or lower rate according to the hazard. In New Brunswick, the rate may be increased where the hazard is greater than the average of the class owing to the manner in which the industry is carried on.

The Acts of all provinces except Prince Edward Island permit the Board to adopt a system of merit or experience rating. Moreover, in Ontario, Quebec and Saskatchewan, if the accident record is high in any industry and if proper precautions are not taken or if the machinery, appliances, etc., are defective or inadequate, the Board may increase the employer's assessment so long as such conditions exist, or the Board may exclude the industry from the class in which it has been placed and make the employer individually liable for compensation. In Prince Edward Island, an employer who disregards the recommendations of the safety officer authorized by the Board to inspect his premises is liable to have his assessment rate raised or if the hazard is not removed, to be restrained from carrying on operations.

Conventions and Recommendations
of the International Labour
Conference

1. Accidents

The International Labour Conference at its 1925 Session adopted three Conventions and four Recommendations concerning workmen's compensation. The 1925 Convention (No. 18) concerning compensation for occupational diseases was revised in 1934 (No. 42) to cover additional diseases.

The Convention (No. 17) relating to industrial accidents requires that workmen's compensation laws shall apply to all workmen, employees and apprentices employed in a public or private undertaking with the exception, where deemed desirable by the Legislature, of casual workers employed otherwise than for the purposes of the employer's business, outworkers, members of the employer's family working exclusively for and residing with him, and non-manual workers whose remuneration exceeds a limit determined by national legislation.

The Convention does not apply to agriculture, which is covered by a 1921 Convention, nor to seamen or fishermen, nor to persons covered by special schemes whose terms are not less favourable than those of the Convention.

The Convention requires compensation, in fatal and permanent disability cases, to be paid periodically except where the authorities are satisfied that a lump sum will be properly used. Compensation must be payable from not later than the fifth day after the accident and additional compensation must be given where the injured person requires the constant help of another person. A workman is entitled to medical, surgical and pharmaceutical aid and to the supply and normal renewing of artificial limbs and surgical appliances or to a money payment in place of them. Provision must be made to ensure the payment of compensation in the event of the employer or insurer becoming insolvent.

The Convention leaves each country free to determine whether compensation shall be payable directly by the employer or by an accident or sickness insurance institution.

This Convention has been ratified by 25 States. It can be ratified by Canada only if the federal, provincial and territorial laws comply with its standards. The most outstanding differences are in scope. The Convention includes domestic servants which are nowhere included in Canada. It applies also to industrial undertakings irrespective of the number employed, to commercial establishments, such as shops, hotels, restaurants, places of amusement, banks and offices of various kinds, to hospitals and other institutions of a commercial or of a non-profit nature.

The scope of the Canadian Acts is set out on p.12 .

2. Agriculture

Convention No. 12, adopted at the 1921 Session of the Conference, requires all agricultural wage-earners to be included within the scope of workmen's compensation. This Convention has been ratified by 25 countries including the United Kingdom and New Zealand.

In Canada, farm workers are not compensable except to a very small extent. However, in most provinces agricultural workers may be brought within the scope of the Act either by regulation of the Board or by Order in Council, (p. 14).

3. Occupational Diseases

The 1925 Convention providing for compensation for poisoning by lead or its alloys or compounds, poisoning by mercury or its amalgams and compounds, and for anthrax infection was ratified by 32 States. The 1934 Convention has been ratified by 23 States, including the United Kingdom.

This Convention requires compensation to be paid in case of death or disability from any of the specified diseases in accordance with the general principles of the legislation providing for compensation for industrial accidents and at rates not less than those prescribed for accidental injury. In addition to the three diseases specified above, the 1934 Convention applies to silicosis, poisoning by phosphorus or arsenic or their compounds, poisoning by benzene or its homologues and their nitro-and amido-derivatives or by the halogen derivatives of hydro-carbons of the aliphatic series, pathological manifestations due to radium or other radio-active substances or to X-rays, and primary epitheliomatous cancer of the skin.

Only Ontario and Saskatchewan provide compensation for all these diseases. For the diseases compensable in each province, see p. 31.

A Recommendation (No. 24) of the 1925 Conference is to the effect that each State should adopt a simple procedure for revising the list of diseases for which compensation is payable. In Canada, all provinces may add to the list by regulation of the Workmen's Compensation Board.

4. Minimum Scale of Compensation

The Recommendation (No. 22) concerning the Minimum Scale of Workmen's Compensation proposes for permanent total incapacity a periodic payment equal to two-thirds of the workman's annual earnings and in case of temporary total incapacity a daily or weekly payment equivalent to two-thirds of the workman's basic earnings as calculated for purposes of compensation. In case of permanent or temporary partial incapacity, the benefit proposed is a proportion of the periodic payment due in the event of permanent or temporary total incapacity, respectively calculated in reference to the reduction in earning power.

Where periodic payments are made, the maximum yearly total paid to all dependants should not be less than two-thirds of the annual earnings of the deceased workman. Where compensation is paid in a lump sum, the maximum payable to all dependants should not be less than the capitalized value of periodic payments equivalent to two-thirds of the annual earnings.

The Recommendation further proposes that provision be made for the vocational re-education of injured workmen, and institutions which undertake such re-education should be encouraged by the Government.

Those entitled to be regarded as dependants under the Recommendation include at least the consort, children under 18 and invalid children over that age, dependent grandchildren and brothers and sisters within the same age limits, and dependent parents and grandparents.

In the Canadian provinces compensation is payable on at least as high a scale except that in all provinces a limit is placed on the maximum earnings which may be taken into account when calculating compensation. Further, compensation is normally paid only in respect of children under 16 except in New Brunswick and Quebec where the normal age is 18. In New Brunswick, however, payments cease if the child does not attend school up to 18 years. Exceptions are made for invalid children in all provinces and in Alberta, British Columbia, Manitoba, Newfoundland, Nova Scotia, Ontario, Prince Edward Island and Saskatchewan, for children continuing their education up to 18 years of age.

5. Equality of Treatment for National and Foreign Workers

The Convention (No. 19) concerning Equality of Treatment for National and Foreign Workers as regards Workmen's Compensation for Accidents has been ratified by 43 countries, including the United Kingdom.

This Convention requires each State which ratifies it to grant to the nationals of any other State which ratifies the Convention the same treatment in regard to compensation for accidents happening in its territory as it accords to its own nationals. This treatment is to be given to foreign workers and their dependants without any conditions as to residence. Special arrangements between the States concerned are to regulate, if necessary, the payments to be made outside the territory of any Member State. Agreements may be made between Member States providing that compensation for accidents happening to workers who are temporarily or intermittently employed in the territory of one Member, on behalf of an undertaking situated in the territory of another Member, shall be governed by the laws of the latter Member State.

The Canadian provisions relating to Equality of Treatment are stated on page 23.

The Recommendation (No. 25) on the same subject is to the effect that measures should be taken to facilitate the payment of compensation to foreign workers, and that in case of dispute concerning the non-payment or reduction of compensation due to a person residing elsewhere than in the territory where his claim originated, facilities should be afforded for taking legal proceedings in such territory without requiring the attendance of the persons concerned.

6. Jurisdiction in Disputes

Recommendation No. 23 relates to jurisdiction in disputes concerning workmen's compensation. Since such disputes turn not only on the interpretation of laws and regulations but also on questions of an occupational character requiring a thorough knowledge of working conditions, it is recommended that every dispute relating to workmen's compensation should be dealt with by a special court or board of arbitration comprising, with or without the addition of regular judges, an equal number of employers' and workers' representatives nominated or appointed to act as adjudicators by their respective organizations or elected by bodies of employers and workmen. Where such disputes are dealt with by ordinary courts of law, the courts should be required to hear employers' and workers' representatives as experts in cases involving questions of an occupational character and, in particular, the question of degree of incapacity.

Occupational Diseases

The following table shows the diseases for which compensation is payable under the Workmen's Compensation Acts by provinces but in Manitoba and Ontario any disease peculiar to an industrial process or occupation may be compensated:

Aero 'otitis' media in any process in which rapid alteration in atmospheric pressure is encountered	) ) )	British Columbia
Anthrax)	
Arsenic poisoning or its sequelae)	
Lead poisoning or its sequelae	)	All provinces
Mercury poisoning or its sequelae)	
Phosphorus poisoning or its sequelae)	
Ammonia poisoning or its sequelae	) )	New Brunswick, Prince Edward Island, Saskatchewan
Ankylostomiasis	) ) )	British Columbia, Manitoba, Newfoundland, Nova Scotia, Ontario, Saskatchewan
Asbestosis	)	British Columbia, Quebec
Asthma and respiratory irritations due to exposure to organic or fibrous dusts, as in handling grain, furs, feathers, cedar, mahogany, wool, rock-wool, asbestos or wood	) ) ) ) )	British Columbia
Benzene (benzol) poisoning and poisoning by its homologues, nitro- and amino-derivatives, anilin and others	) ) ) )	Alberta, British Columbia, Manitoba (munition making), Newfoundland, Ontario, Quebec, Saskatchewan
Bovine tuberculosis contracted from handling of animals or from laboratory work	) ) )	Saskatchewan
Brass, zinc or nickel poisoning or its sequelae	) )	Newfoundland, New Brunswick, Ontario, Quebec, Saskatchewan
Bronchitis and pulmonary oedema in any process using oxyacetylene or electric arc for cutting or welding	) ) )	British Columbia

Bursitis (see also Cellulitis)	) Newfoundland, Ontario, Prince) Edward Island, Quebec, Saskatchewan
- acute, elbow	) British Columbia, Newfoundland,) New Brunswick, Nova Scotia
- prepatellar	) British Columbia, New Brunswick
Cadmium poisoning	) Ontario, Quebec, Saskatchewan
Cancer arising from the manufacture, handling or use of pitch or tar	) Newfoundland)
Cancer, epitheliomatous, or ulceration of the skin or cornea due to tar, pitch, bitumen, mineral oil or paraffin, or any compound, product or residue of any such substance	) ) ) Nova Scotia, Ontario, Prince) Edward Island, Saskatchewan)
Carbon bisulphide poisoning or its sequelae	) British Columbia, Newfoundland,) New Brunswick, Ontario, Prince) Edward Island, Saskatchewan
Carbon dioxide poisoning or its sequelae	) Newfoundland, New Brunswick,) Ontario, Saskatchewan
Carbon monoxide poisoning or its sequelae	) British Columbia, Newfoundland,) New Brunswick, Ontario, Quebec,) Saskatchewan
Cellulitis, subcutaneous, hand	) Alberta, British Columbia,) Newfoundland, Nova Scotia
- -, - -, patella	) British Columbia, Newfoundland,) Nova Scotia
Chlorinated hydro-carbons (carbon tetrachloride, trichlorethylene, tetrachlorethane, trichlornaphthalene and others), poisoning by or its sequelae	) ) British Columbia, Ontario,) Quebec, Saskatchewan.)
Chlorine poisoning	) Saskatchewan
Chrome poisoning	) Newfoundland, Ontario, Quebec,) Saskatchewan
Chromium and its compounds, dermatitis in any process using	) British Columbia
Circulatory disturbances of the extremities in any process involving muscular effort at low temperatures or handling cold materials	) ) British Columbia))

Compressed air illness	)	British Columbia, Newfoundland,
	)	New Brunswick, Ontario, Quebec,
	)	Saskatchewan
Conjunctivitis from exposure to dust from spices, dust, heat, gases, fumes, vapours, mists or smoke	)	British Columbia
Conjunctivitis and/or retinitis due to electro- and oxy-acetylene welding	)	British Columbia, Manitoba,
	)	Newfoundland, New Brunswick,
	)	Ontario, Prince Edward Island,
	)	Quebec, Saskatchewan
Cyanide, dermatitis in any process involving the use of	)	British Columbia
Cyanide poisoning	)	Saskatchewan
Dermatitis and occupational ulcerations and infections of the skin	)	Manitoba
Dermatitis and infection of skin or contact surfaces due to oils, cutting compounds or lubricants, dust, liquids, fumes, gases or vapours	)	Alberta
Dermatitis in any process involving contact with chemicals such as acids, alkalis or salts, solvents, disin- fectants, asphalt, creosote, coal-tar products, wood preservatives, sugar, soap, glue, cement, lime, sulphur, sulphur gases, cutting oils or petro- leum products, alder, cedar or cedar- bark fluff, hemlock, mahogany, spruce, teak, poison ivy, poison oak, ragweed or other plant life poisonous to human beings, hides, uncooked meats, fish or poultry, cloth, jute, hemp, dirty linen, rags or sacks, spices or essential oils; in any process in manufacturing or handling cheese or cereals; in picking, packing or canning of fruits or vegeta- bles; in handling copra; in manufacture or use of rock-wool, slag-wool, glass- wool, silica or silicates; in manufactu- ring brooms or brushes; in any process using dyes, inks or pigments; in any process using thioglycolates or other irritant substances in hairdressing; in any process where there is exposure to rubber, leather, plastics, paper, or dust from any of them; or from any allergic reaction to drugs such as penicillin, streptomycin and metaphen	)	British Columbia

Dermatitis venenata in any process involving use of or contact with acids and alkalis or acids and oils or other irritants capable of causing it	) Newfoundland, Nova Scotia,) Ontario, Prince Edward Island,) Quebec, Saskatchewan)
Formaldehyde poisoning	) British Columbia, Saskatchewan
Frostbite	) Newfoundland, Nova Scotia,) Prince Edward Island,) Saskatchewan
Gastric irritation in any process using oxyacetylene gas or electric arc for cutting or welding	) ) British Columbia
Glanders	) Alberta, New Brunswick,) Saskatchewan
Heat exhaustion	) British Columbia
Infection from handling sugar	) New Brunswick
Infected blisters from any process involving continuous friction, rubbing or vibration	) British Columbia,) Newfoundland, Ontario, Prince) Edward Island, Quebec,) Saskatchewan
Magnesium and its compounds, dermatitis in any process using	) British Columbia)
Metal-fume fever in any process involving welding on galvanized material or exposure to the oxides of zinc, manganese, cadmium, chromium or copper	) ) British Columbia))
Miners' phthisis	) Saskatchewan
Newcastle disease contracted from handling of poultry or from laboratory work	) Saskatchewan)
Nickel and its compounds, dermatitis in any process using	) British Columbia)
Nitrous fumes, poisoning by, or its sequelae	) British Columbia, Manitoba) (munition making), Newfoundland,) Ontario, Quebec, Saskatchewan
Petroleum and products, respiratory, gastro-intestinal, nerve and eye disorders due to	) ) Saskatchewan)

Pneumoconiosis in quarrying, cutting, crushing, grinding or polishing of stone or grinding or polishing of metal	) ) )	Newfoundland, Ontario
Pneumoconiosis (in Alberta, deemed to be silicosis, siderosis, lithosis) in mining; and in quarrying, cutting, crushing, grinding or polishing of stone or grinding or polishing of metal (in Quebec, also in smelting of metal and in potteries)	) ) ) ) ) ) )	Alberta, Quebec Saskatchewan
Pneumoconiosis in monument lettering and setting, stone dressing and cutting, sand-blasting, reduction and smelting of ores, manufacture of alabastine, lime and gypsum products, sewer-construction, road-construction, quarrying or tunnelling, grinding or polishing of stone or metal castings, or any process in any foundry or other manufacturing operation where there is exposure to pneumoconiosis- producing dust	) ) ) ) ) ) ) ) ) ) )	British Columbia
Poisoning in any process involving use of a volatile solvent (in assembling or repairing motor-vehicles, or in making paints, paint removers or water-proof fabrics, printing, dry cleaning, welding or gasoline blending - Saskatchewan)	) ) ) ) ) ) )	British Columbia, Saskatchewan
Poisoning in any process where there is exposure to methyl chloride	) )	British Columbia
Poisoning caused by chemicals used in the painting industry	) )	New Brunswick
Pulmonary and respiratory irritation from exposure to vapours, mists or dust	) )	British Columbia
Respiratory disease due to inhalation of materials in non-offset sprays in printing industry	) ) )	Ontario
Rhinitis from contact with allergens or chemical vapours or dust	) )	British Columbia
Seal finger in handling seals or seal products	)	Newfoundland
Silicosis	) )	New Brunswick, Nova Scotia, Prince Edward Island
Silicosis in mining	)	Newfoundland, Ontario

Silicosis in any industry under Part I of the Act	) Manitoba
Silicosis in mining, quarrying, cutting, crushing, grinding or polishing of stone, or grinding or polishing of metal (also smelting of metal - Quebec)	) Alberta, Quebec, Saskatchewan
Silicosis in steel-sharpening in metalliferous-mining; grinding, repairing or handling tools or machinery in mine operations; ore-crushing or rock-crushing; or any work in mining where there is exposure to silica dust	) British Columbia
Silicosis in making pottery	) Quebec
Stone workers' or grinders' phthisis	) Newfoundland, Ontario, Saskatchewan
Sulphur poisoning or its sequelae	) New Brunswick, Prince Edward Island
Sulphur poisoning in coal mining	) British Columbia
Sulphuric, hydrochloric or hydrofluoric acid, poisoning by	) Saskatchewan
Tenosynovitis (inflammation of the synovial lining of the wrist joint and tendon sheaths	) British Columbia, Newfoundland, Ontario, Quebec, Saskatchewan
Tooth-erosion due to exposure to acid fumes or mist	) British Columbia
Traumatic deafness in any industry where there is exposure to blasting or other noise capable of producing injury to the auditory nerve or middle ear	) British Columbia
Tuberculosis from employment in hospitals, sanatoria or clinics under the Act or British Columbia Medical Research Institute; in any prison hospital unit; in public health units of Province, University of British Columbia, municipality, school board or branch of Victorian Order of Nurses	) British Columbia

Tuberculosis contracted by a workman employed in a hospital, sanitorium or sanitarium to which Part I of the Act applies or in a provincial laboratory	) ) ) )	Ontario
Ulceration of mucous membrane of the throat and nose due to exposure to acid fumes or mist	) ) )	British Columbia
Undulant fever (brucellosis) contracted from handling of animals or carcasses or from laboratory work	) ) )	British Columbia, Prince Edward Island, Saskatchewan
Vascular disturbances in the extremities due to continuous vibration of machines or power tools (in Saskatchewan, upper extremities)	) ) )	British Columbia, Saskatchewan
Wood alcohol, poisoning by	) )	British Columbia, Saskatchewan
X-rays, radium or other radio-active substances, any disease due to exposure to	) ) )	Ontario, Quebec (ulceration or malignant disease), Saskatchewan
X-ray, cutaneous, circulatory or blood-cell lesions or endocrine change from X-ray apparatus in industry or operation where X-ray or radium is used in a hospital under the Act	) ) ) ) )	British Columbia

Scale of Compensation

The table shows the benefits payable. Periodic payments may be commuted for a lump sum on certain conditions. In all provinces compensation is paid in respect of a foster-mother at the same rate as to a widow with one or more children for as long as payments to the children continue.

1. MONTHLY BENEFITS TO DEPENDANTS IN CASE OF DEATH OF WORKMAN

<u>Funeral</u>	<u>Widow or Invalid Widower</u>	<u>C H I L D R E N</u>		<u>Where only dependants are other than consort & child</u>	<u>Maximum</u>
		<u>With Parent</u>	<u>Orphans</u>		
<u>NEWFOUNDLAND</u>					
\$200 ⁴	\$50 plus sum of \$100	Under 16, \$12 each ¹	Under 16, \$20 each ¹	Sum reasonable and in proportion to pecuniary loss ²	2/3 of earnings. Minimum \$50 to consort, \$12 to each child or \$20 to orphan child unless total benefits exceed \$100 ³
<u>PRINCE EDWARD ISLAND</u>					
\$150	\$50 plus sum of \$100	Under 16, \$12.50 each. ¹ Maximum to consort and children, \$100	Under 16, \$25 each. ¹ Maximum \$100	As in Newfoundland. Maximum to parent or parents, \$30. Maximum in all, \$45 ²	75% of earnings ³
<u>NOVA SCOTIA</u>					
\$200	\$50 plus sum of \$100	Under 16, \$20 each. ¹ Maximum to consort and children, \$130	Under 16, \$30 each. ¹ Maximum \$120	As in Newfoundland. Maximum to parent or parents, \$45. Maximum in all, \$60 ²	2/3 of earnings ³
<u>NEW BRUNSWICK</u>					
\$200 ⁴	\$50 plus sum of \$100	Under 18, if attend- ing school, \$12 each ¹	Under 18, if attend- ing school, \$25 each ¹	As in Newfoundland ²	2/3 of earnings ³
<u>QUEBEC</u>					
\$175	\$45 plus sum of \$100	Under 18, \$10 each ¹	Under 18, \$15 each ¹	As in Newfoundland ²	70% of earnings. Minimum \$55 to consort and one child; \$65 if more ³

1. In Alberta, Manitoba, Newfoundland, Nova Scotia, Ontario, Prince Edward Island and Saskatchewan, payments to children may be made up to 18 years if desirable to continue education. In Alberta, Newfoundland, Nova Scotia, Prince Edward Island and Quebec, payments to invalid children are continued so long as Board considers workman would have contributed to support. In British Columbia, Manitoba, New Brunswick, Ontario and Saskatchewan, payments are continued until recovery.
2. In all provinces compensation in these cases is continued only so long as Board considers workman would have contributed to support.
3. For maximum earnings that may be reckoned, see Table 2, Column 5.
4. For transporting body for burial, a maximum of \$125 in Newfoundland and New Brunswick and of \$100 in Alberta, British Columbia and Saskatchewan may be paid. No maximum is specified in Ontario. In Manitoba, the Board may pay transportation expenses within the province and part of expenses if the body is moved into or from the province. In Alberta and British Columbia, only transportation expenses within the province are allowed.

Widow or Invalid Widower	<u>CHILDREN</u>		Where only dependants are other than consort & child	<u>Maximum</u>
	<u>With Parent</u>	<u>Orphans</u>		
<u>ONTARIO</u>				
\$75 plus sum of \$200	Under 16, \$25 each ¹	Under 16, \$35 each ¹	As in Newfoundland. Maximum \$100 ²	Average earnings. Minimum \$75 to consort, \$25 to each child or \$35 to orphan child un- less total benefits exceed \$150 ³
<u>MANITOBA</u>				
\$50 plus sum of \$100	Under 16, \$20 each ¹	Under 16, \$30 each ¹	As in Newfoundland. Maximum \$30 each. Maximum in all, \$60 ²	70% of earnings. Minimum \$50 to consort; \$70 to consort and one child; \$90 if more ³
<u>SASKATCHEWAN</u>				
\$60 plus sum of \$100	Under 16, \$25 each ¹	Under 16, \$30 each ¹	As in Newfoundland ²	Average earnings. Minimum \$60 to consort; \$85 to con- sult and one child; \$100 if more ³
<u>ALBERTA</u>				
\$50 plus sum of \$100	Under 16, \$25 each ¹	Under 16, \$25 each plus an amount not exceeding \$10 to age of 18 ¹	As in Newfoundland. Maximum to parent or parents, \$50. Maximum in all, \$85	
<u>BRITISH COLUMBIA</u>				
\$75 plus sum of \$100	Under 16, \$20 each ¹ ; if attending school, \$20 between 16 and 18 years	Under 18, \$30 each ¹ ; \$27.50 if able to attend school between 16 and 18 years and not attending	(a) As in Newfoundland. Maximum \$75 to parent or parents. Maximum in all, \$75 (b) If there is widow or invalid widower or orphans, maximum to parent or parents, \$75 ²	

Manitoba, Alberta, Newfoundland, Nova Scotia, Ontario, Prince Edward Island and Saskatchewan, payments to children may be made up to 18 years if desirable to continue education. In Alberta, Newfoundland, Nova Scotia, Prince Edward Island and Quebec, payments to invalid children are continued so long as Board considers workman would have contributed to support. In British Columbia, Manitoba, New Brunswick, Ontario and Saskatchewan, payments are continued until recovery.

In all provinces compensation in these cases is continued only so long as Board considers workman would have contributed to support.

For maximum earnings that may be reckoned, see Table 2, Column 5.

For transporting body for burial, a maximum of \$125 in Newfoundland and New Brunswick and of \$100 in Alberta, British Columbia and Saskatchewan may be paid. No maximum is specified in Ontario. In Manitoba, the Board may pay transportation expenses within the province and part of expenses if the body is moved into or from the province. In Alberta and British Columbia, only transportation expenses within the province are allowed.

2. BENEFITS IN CASE OF DISABILITY

<u>PERMANENT</u>		<u>TEMPORARY</u>		<u>Maximum Earnings Reckoned</u>
<u>Total</u>	<u>Partial</u>	<u>Total</u>	<u>Partial</u>	
<u>NEWFOUNDLAND</u>				
2/3 of earnings. Minimum \$65 per month or earnings, if less	2/3 of difference in earnings before and after accident ^{1,2}	2/3 of earnings for duration of disability. Minimum \$15 per wk. or earnings, if less	2/3 of difference in earnings before and after accident for duration of disability ^{1,2}	\$3,000 per annum
<u>PRINCE EDWARD ISLAND</u>				
75% of earnings. Minimum \$15 per wk. or earnings, if less ³	75% of difference in earnings before and after accident ^{1,2,3}	75% of earnings for duration of dis- ability. Minimum \$15 per wk. or earnings, if less ³	75% of difference in earnings before and after accident for duration of disability ^{1,2,3}	\$2,500 per annum
<u>NOVA SCOTIA</u>				
2/3 of earnings. Minimum \$85 per month	2/3 of difference in earnings before and after accident. If disability 25% or more, average earnings must be taken as not less than \$18.75 per wk. ¹	2/3 of earnings for duration of dis- ability. Minimum \$15 per wk. or earnings, if less	2/3 of difference in earnings before and after accident for duration of disability ^{1,2}	\$3,000 per annum
<u>NEW BRUNSWICK</u>				
Average earnings but not in excess of 2/3 of \$3,000	Amount determined by Board based on impaired earning capacity	2/3 of earnings for duration of dis- ability. Minimum \$15 per wk. or earnings, if less	If earning capacity diminished by more than 10%, 2/3 of difference in earn- ings before and after accident for duration of disability	\$3,000 per annum
<u>QUEBEC</u>				
70% of earnings. Minimum \$15 per wk. or earnings, if less	70% of difference in earnings before and after accident ^{1,2}	70% of earnings for duration of disability. Minimum \$15 per wk. or earnings, if less	70% of difference in earnings before and after accident for duration of disability ^{1,2}	\$3,000 per annum

1. If earning capacity is diminished 10% or less, a lump sum may be given.
2. The minimum payable in case of partial disability is the same proportion of the minimum for total disability (see preceding column) as impairment is of full earning capacity.
3. The Board may fix compensation on basis of \$15 per week, even though average earnings are less than \$15.

<u>PERMANENT</u>		<u>TEMPORARY</u>		<u>Maximum Earnings Reckoned</u>
<u>Total</u>	<u>Partial</u>	<u>Total</u>	<u>Partial</u>	
<u>ONTARIO</u>				
75% of earnings. Minimum \$100 per month or earnings, if less	Based on impaired earning capacity estimated from nature and degree of injury. If more equitable, 75% of difference in earnings before and after accident ^{1,2}	75% of earnings for duration of dis- ability. Minimum \$15 per wk. or earnings, if less	75% of difference in earnings before and after accident for duration of disability ^{1,2}	\$4,000 per annum
<u>MANITOBA</u>				
70% of earnings. Minimum \$15 per wk. or earnings, if less	70% of difference in earnings before and after accident ¹	70% of earnings for duration of dis- ability. Minimum \$15 per wk. or earnings, if less	70% of difference in earnings before and after accident for duration of disability ¹	\$3,000 per annum
<u>SASKATCHEWAN</u>				
75% of earnings. ³ Minimum \$20 per wk.	Proportion of 75% of earnings based on impaired earn- ing capacity estimated from nature and degree of injury, or if more equitable, 75% of difference in earnings before and after accident ^{1,2}	75% of earnings for duration of dis- ability. Minimum \$15 per wk. or earnings, if less	Proportion of 75% of earnings based on impaired earn- ing capacity estimated from nature and degree of injury, or if more equitable, 75% of difference in earnings before and after accident for duration of dis- ability ^{1,2}	\$4,000 per annum

1. If earning capacity is diminished 10% or less, a lump sum may be given.
2. The minimum payable in case of partial disability is the same proportion of the minimum for total disability (see preceding column) as impairment is of full earning capacity.
3. Where compensation to workman with dependants would be less than \$1,200 a year, the Board may increase compensation in respect of dependants by specified monthly amounts. In such cases, total amount payable may not exceed \$1,200 a year.

<u>PERMANENT</u>		<u>TEMPORARY</u>		<u>Maximum Earnings Reckoned</u>
<u>Total</u>	<u>Partial</u>	<u>Total</u>	<u>Partial</u>	
<u>ALBERTA</u>				
75% of earnings. Minimum \$25 per wk. or earnings, if less	Proportion of 75% of earnings based on impaired earning capacity ¹	75% of earnings for duration of disability. Minimum \$25 per wk. or earnings, if less	Proportion of 75% of earnings based on impaired earn- ing capacity for duration of dis- ability	\$3,000 per annum
<u>BRITISH COLUMBIA</u>				
70% of earnings. Minimum \$15 per wk. or earnings, if less	70% of difference in earnings before and after accident or may be based on impaired earning capacity	70% of earnings for duration of disability. Minimum \$15 per wk. or earnings, if less	70% of difference in earnings before and after accident or may be based on impaired earning capacity for duration of dis- ability	\$3,600 per annum

1. If earning capacity is diminished 10% or less, a lump sum may be given.

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CANADA

WORKMEN'S COMPENSATION IN CANADA

A COMPARISON OF PROVINCIAL LAWS

1954

**DEPARTMENT OF LABOUR OF CANADA
LEGISLATION BRANCH**

HON. MILTON F. GREGG
MINISTER

A. H. BROWN
DEPUTY MINISTER

DECEMBER, 1954

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C O N T E N T S

	<u>Page</u>
Introduction	1
Changes in 1954	2
Individual Liability	7
Federal Government Employees	9
Blind Workmen	10
Workmen's Compensation Boards	10
Cost of Administration	11
Scope of Laws	11
Farm Labourers and Domestic Servants	13
Clerical and Casual Workers and Outworkers	14
Seamen	14
Risks Covered	15
Occupational Diseases	16
Waiting Period	16
Medical Aid	17
First Aid	19
Rehabilitation	20
Accidents Occurring Outside the Province	20
Non-resident Workmen and Dependants	22
Security for Payment of Compensation	23
Accident Prevention	24
International Labour Conventions and Recommendations	26
Occupational Diseases Compensated by Provinces	30
Scale of Compensation	37

WORKMEN'S COMPENSATION IN CANADA

A Comparison of Provincial Laws in December, 1954.

Introduction

Each of the ten Canadian provinces has a Workmen's Compensation Act which provides that, in any industry to which the Act or the main part of it applies, workers who sustain personal injury by accident arising out of and in the course of their employment or who are disabled by specified industrial diseases are entitled to compensation. The only exceptions are: (1) where the workman is disabled for less than a stated number of days (see "Waiting Period" p. 16); or (2) where the injury is attributable solely to his serious and wilful misconduct and does not result in death or serious disablement.

All of these Acts are of the "collective liability" type, that is, compensation is payable by employers collectively, the industries covered by the Act being divided into groups and the employers in each group being collectively liable for the payment of compensation to the workmen employed in the industries in that group.

Employers are required to contribute to what is known as the Accident Fund, and compensation and medical aid to injured workmen are paid by the Workmen's Compensation Board out of the Fund. No contributions from employees, either directly or indirectly, are permitted.

Industries are classified according to their hazard and each class is liable for the cost of accidents occurring in that class although for the purpose of compensation the Accident Fund is one. At the beginning of each year an employer is required to send to the Board a statement of the amount of the wages paid by him during the preceding year and an estimate of his payroll for the current year. The Board fixes a provisional contribution rate, a percentage of payroll, for each class which will produce sufficient funds to meet all claims payable during the year. Assessment is made at the provisional rate on the estimated payroll. At the end of the year the assessment is adjusted according to the actual payroll and to the accident experience of the group or class. If necessary, the provisional rate is altered to meet the requirements of the year.

The right to compensation is not affected by the employer's neglect or refusal to furnish information or to pay his assessment or by his insolvency. The compensation to which a workman is entitled under the Act takes the place of his right of action, and he may not sue his employer in court for damages for an injury received in the course of employment.

All claims for compensation are received and determined by the Workmen's Compensation Board whose decision is final.

Benefits under the Acts include fixed monthly payments to dependants in case of the death of the workman, periodic payments to the workman for disability (in three provinces based on 2/3 of average earnings, in two on 70% of earnings and in five on 75% of earnings), medical aid and rehabilitation. In addition to monthly benefits, a widow receives a lump sum payment and an allowance for funeral expenses.

In all provinces but Prince Edward Island this compulsory state system of collective liability replaced a system of individual liability on the part of the employer as provided for in earlier statutes, but an individual liability Act is still in force to some extent in Saskatchewan. The collective liability system of state insurance was adopted in Ontario in 1914 following a comprehensive report on employers' liability for accidents by a special commissioner appointed to inquire into the subject. Nova Scotia followed Ontario's example with variations in some points in 1915, British Columbia in 1916, Manitoba in 1916 in respect to collective liability but not state insurance until 1920, Alberta and New Brunswick in 1918, Saskatchewan in 1929 and Quebec in 1931. Prince Edward Island passed its first Workmen's Compensation Act in 1949. In 1950 Newfoundland enacted a collective liability statute which went into effect on April 1, 1951. While the Acts vary from province to province in some particulars, the main principles are the same, all the Acts having been modelled on the Ontario statute. Amendments are made from time to time and there is an increasing tendency towards uniformity.

In some provinces, it is the practice to have a periodic review of the operation of the Workmen's Compensation Act, and employers and employees are given an opportunity to make representations. In Alberta, a review is usually made by a special committee of the Legislature every five years. A special legislative committee reported on the Act in 1952. During 1952 and 1953 a similar committee of the Manitoba Legislature made an inquiry into the Manitoba Act. In Saskatchewan, the Act requires a committee equally representative of employers and organized employees to be appointed by the Lieutenant-Governor in Council every four years, and, following this procedure, a committee was set up in 1954. In recent years Royal Commissions have been appointed to inquire into the Ontario and British Columbia Acts. The inquiry into the Ontario Act by Mr. Justice Roach was completed in 1950 and the Sloan Royal Commission in British Columbia reported in 1952.

Only the main points of the legislation are covered in this analysis. The scale of benefits and the occupational diseases which are compensated are set out in tables at the end of the bulletin. A summary of the provisions of the Conventions and Recommendations of the International Labour Conference on workmen's compensation permits a comparison between I.L.O. standards and the provincial statutes.

Changes in 1954

In 1954 amendments were made to the Workmen's Compensation Acts of six provinces. These included a general revision of the British Columbia Act in which such important changes were made as increases in the compensation rate and the ceiling on annual earnings and provision for higher pensions for workmen injured before March, 1943, and in which many recommendations of the Sloan Report not previously dealt with were implemented. In Nova Scotia, a new consolidation of the Act was adopted, the first since 1938. The principal change made was an extension of coverage. The Newfoundland, Ontario and Saskatchewan Acts were also amended. In Quebec, at the 1954-55 session of the Legislature, increased benefits to widows and children and an increase from \$3,000 to \$4,000 in the maximum yearly earnings taken into account in computing compensation were provided for. The amendments are effective from January 1, 1955. A new Act to provide compensation for Members of the Legislative Assembly in the event of accidental death or total disability was passed in Alberta.

British Columbia

Several amendments to the British Columbia Act provided for extended coverage. As recommended by the Sloan Report, domestic servants were brought under the Act on an elective basis. It was also provided that any independent operator, not being an employer or a workman but performing work of a nature which, if he were a workman, would be within the scope of Part I, may be brought under the Act on application. This provision was designed to cover commercial fishermen. The Act was also amended to cover "learners", as in six other provinces, and members of municipal fire brigades. Geophysical exploration and the operation of airfields were added to the industries to which the Act applies.

A further increase in the rate of compensation for disability and a higher limit on yearly earnings were provided for. The percentage rate, which was raised from 66 2/3 to 70 in 1952, was raised to 75, as in four other provinces. Maximum annual earnings on which compensation is calculated were increased from \$3,600 to \$4,000. The ceiling on yearly earnings was raised from \$2,500 to \$3,600 in 1952 following the recommendations of the Sloan Report.

In determining compensation awards in permanent partial disability cases, the Board was authorized to take into account loss of physical function rather than, as under the former provisions, difference in earnings before and after the accident. The wage-loss method may still be used if the Board considers it more equitable, that is, the Board may make an award of 75 per cent of the difference between a workman's wage before the accident and his actual or potential earnings after the accident.

The Legislature also provided for an increase in the pensions of workmen who were injured before March 18, 1943. Pensions as re-calculated by the Board are to be based on a compensation rate of 66 2/3 per cent and on the actual average earnings of the injured workman at the time of the accident. Such earnings are not to be taken as less than \$2,000 per annum and are subject to a maximum of \$2,500. Increases in pensions are to begin from January 1, 1955.

The schedule of industrial diseases was amended by adding three diseases, injury to the lungs and injury to the heart as a result of fire-fighting, and occupational deafness in any industry involving prolonged exposure to excessive noise. As before, diseases may be added to or removed from the schedule by regulation of the Board but the Act now provides that such additions or deletions must be approved by the Lieutenant-Governor in Council.

A new subsection provides for medical examination of workmen who are exposed to dust conditions in their employment. When an industrial disease is of such a nature that its presence is evidenced by specific X-ray appearance, the Board may require an employer in an industry in which the disease occurs to have his workmen medically examined at his own expense at least once a year and may direct him to employ only workmen who are found to be physically suited for such employment.

A further amendment removed certain restrictive conditions which were previously applicable in hernia cases. These required a workman to be operated on within two weeks of the occurrence of the hernia, if an operation was deemed advisable, and set time-limits for the payment of compensation before and after an operation. The Board is now given discretion to pay for any period of disablement which it considers proper.

Chiropractors, chiropodists, naturopaths and dentists were placed on the same basis as medical doctors with regard to the treatment of injured workmen and are referred to as "qualified practitioners" in the Act. Since 1943 the Board has been permitted to pay for treatment by "persons authorized to treat human ailments" but such treatment has been subject to certain restrictions with respect to supervision by the Board. These restrictions were removed.

The Act was also amended to provide for a medical appeal board. When a workman disagrees with the findings of the Board's medical staff and makes a request to the Board for a further examination, his case must be referred to two specialists, one to be selected by himself and the other by the Board, from a panel of not less than three previously nominated by a recognized medical association. Their decision, a signed copy of which is to be sent to the workman, is, unless the Board directs otherwise, to be conclusive as to the matters certified. Costs are to be borne by the Accident Fund.

Provision was made for the appointment of a Compensation Counsellor, an officer of the Department of Labour, to assist injured workmen in the preparation and presentation of their cases in hearings before the Board.

Other amendments had to do with the tenure of office of the Board and its administrative duties under the Act. Instead of being appointed for a fixed term of ten years, Board members are to hold office during the pleasure of the Lieutenant-Governor in Council.

The Board was authorized to raise the moneys needed for the Accident Fund by assessments rated upon "a unit of production" as well as by the regular method of assessment upon the employer's payroll, but the established practice of assessment and levy is to be varied only with the approval of the Lieutenant-Governor in Council.

The authority of the Board was extended by increasing from \$50 to \$300 the maximum penalty which may be imposed for non-observance of any of its safety or other regulations.

The Board's inspection staff must, immediately following an inspection, post an inspection report in a conspicuous place at or near the mine, works or establishment and furnish a copy to the manager.

Newfoundland

The Newfoundland Act was amended to exclude from its operation executive officers or directors of corporations, subject, however, to the provision that they may be admitted on application.

Other amendments made the same change with respect to compensation for permanent partial disability as was made in British Columbia. The Act now enables the Board to calculate compensation on the basis of loss of physical function, whereas previously it was required to pay compensation on the basis of loss of earnings as a result of the accident. As in British Columbia, the Board has discretion, where it considers it more equitable, to award as compensation two-thirds of the difference between the workman's average weekly wage before the accident and his actual or presumed wage after the accident.

By a further amendment, the Board was authorized to make regulations, subject to the approval of the Lieutenant-Governor in Council, providing for the establishment of a pension fund for members, officers and employees of the Board. With the approval of the Lieutenant-Governor in Council, it may acquire property and erect such buildings as it deems necessary for its purposes.

Nova Scotia

The Nova Scotia Act was revised and consolidated. No changes were made in rates of benefits.

A number of industries were brought within the scope of the Act from January 1, 1955, including hotels; restaurants; catering; dairies; wholesale and retail stores and establishments; broadcasting stations; manufacture, sale and distribution of artificial ice; peat processing; landscaping; and operation of bridges.

The definition of "workman" under the Act was amended to include learners, that is, persons not under a contract of service or apprenticeship but taking training or doing probationary work specified or stipulated by the employer as a preliminary to employment. The average earnings of a learner are to be determined by the Board at an amount which it thinks fair.

Another amendment provided that compensation in respect of an invalid child is to be continued, without regard to age, until his recovery or death. The former provision permitted compensation to be paid as long as the Board considered that the workman would, if living, have continued to support the child.

The Act now provides that to be entitled to compensation for disability from silicosis a workman must have been exposed to silica dust while employed in Nova Scotia in an industry to which Part I applies for periods amounting to at least five years. Under the former Act, the workman was also required to have been a resident of the Province for at least five years. The residence requirement was omitted in the revision.

A new provision requires a claim for compensation for silicosis to be filed while the workman is regularly employed in the industry in which he was exposed to silica dust or within three years after leaving such employment. The Board may, however, pay a claim for uncomplicated silicosis, regardless of when the claim is filed, if at the time of making the claim the claimant is a resident of Nova Scotia and if he has not been exposed to silica dust elsewhere.

Ontario

By an amendment to the Ontario Act, the Workmen's Compensation Board was given authority to spend \$200,000 in any calendar year for the rehabilitation of injured workmen. The former limit on annual expenditure for rehabilitation was \$100,000.

Saskatchewan

In Saskatchewan, the Workmen's Compensation (Accident Fund) Act was amended to remove from the list of exclusions from the Act the railway workers comprised in the Brotherhood of Locomotive Engineers and the Brotherhood of Maintenance of Way Employees. These groups were formerly under the individual liability Act in effect in Saskatchewan and were brought under the Accident Fund Act by Order in Council.

The same amendment was made to the Accident Fund Act and the individual liability statute (the Workmen's Compensation Act) with respect to the definition of "learner". Learners were brought under both Acts in 1951. It is no longer provided that the training or probationary work required of learners is to be that specified by the employer. The words "specified or stipulated by the employer" were deleted. The definition of "learner" in the Manitoba Act was similarly amended in 1953.

Quebec

At the 1954-55 session of the Quebec Legislature the Workmen's Compensation Act was amended to raise the ceiling on earnings from \$3,000 to \$4,000, effective from January 1, 1955, and to increase the benefits payable to widows and children. The amounts of these benefits had been unchanged for a number of years.

The monthly pension to a widow was raised from \$45 to \$55 and for each child under the age of 18 she is to receive \$20 a month instead of \$10. The lump sum payment to a widow was increased from \$100 to \$200, as in Ontario, and the amount allowed for funeral expenses was increased from \$175 to \$200. Orphan children under the age of 18 are to receive a monthly pension of \$30 instead of \$15.

The total monthly payment to widow and children is not, as before, to exceed 70 per cent of the workman's average earnings but low earnings may not reduce the amount payable to a widow and one child below \$75 a month (formerly \$55). A widow with more than one child must receive a minimum of \$95 a month (formerly \$65).

The increased benefits to widows and children become effective from January 1, 1955, and are retroactive. Persons entitled to or already receiving compensation as a result of accidents which occurred before January 1, 1955, will be entitled to compensation as provided for in the amending Act.

A further amendment will enable the Quebec Workman's Compensation Commission to enter into an agreement with the Workmen's Compensation Board of any other province respecting the reimbursement of the other Board for sums paid by it as compensation or medical aid or for rehabilitation when work is done partly in the Province of Quebec and partly in another province and respecting the adjustment of assessments on employers in such circumstances.

Alberta

In Alberta, the M.L.A. Compensation Act was passed, providing for the payment of compensation to Members of the Legislative Assembly who are permanently and totally disabled as a result of an accident arising out of and in the course of the performance of their duties as members and to their dependants where such an accident proves fatal. The benefits payable are those set out in the Alberta Workmen's Compensation Act. Compensation is to be paid by the Workmen's Compensation Board out of the Accident Fund, which is later to be reimbursed from the Provincial Treasury. The Act was made retro-active to October 1, 1953.

Individual Liability

A Saskatchewan Act of 1911, under which the employer was individually liable and might insure his risk in a private insurance company, was superseded with respect to most industrial workers by the statute providing for collective liability but the earlier law remains in effect with respect to certain railway workers. The Workmen's Compensation (Accident Fund) Act does not apply to men in train service but members of the unions in which these workers are organized may be brought within its scope if a majority vote to come under the Act. Since 1948 the Brotherhood of Locomotive Firemen and Enginemen, the Brotherhood of Railroad Signalmen, the Brotherhood of Locomotive Engineers, the Brotherhood of Railroad Trainmen and the Brotherhood of Maintenance of Way Employees have been brought under the Workmen's Compensation (Accident Fund) Act.

In this analysis the expression "Workmen's Compensation Act" when used with respect to Saskatchewan refers only to the later collective liability statute.

In Nova Scotia, Part III of the Act provides that compensation for accidents to persons employed in fishing or dredging shall be paid by the employer, who is required to insure to the extent of his liability with an insurance company. Compensation in these industries does not include medical aid or burial expenses but in other respects is on the same scale as in other industries. Payment, however, is enforced by an action in the courts and the Workmen's Compensation Board is not concerned with it.

Masters and members of the crews of fishing vessels in Newfoundland retain the protection of the 1948 individual liability Workmen's Compensation Act which was repealed in 1951 except with respect to its application to fishermen.

In Ontario and Quebec, public authorities and certain corporations such as railways, shipping, telephone and telegraph companies are themselves liable to pay compensation and provide medical aid for the workmen in their employ but the amount and all other questions are determined by the Workmen's Compensation Board as in the case of accidents for which compensation is paid from the Accident Fund. Such corporations contribute their proportion of the cost of administering the Act as do also the federal and provincial Governments. The individual liability of these public bodies and corporations is to be sharply distinguished from that of the railway companies under the earlier statute in Saskatchewan and from that provided for in Part II of the Act of certain provinces.

In British Columbia, Manitoba, Newfoundland, New Brunswick, Ontario and Prince Edward Island, the Workmen's Compensation Act is divided into two Parts. In Nova Scotia, as indicated above, there are three Parts. Part II of these seven statutes applies to industries to which Part I, providing for a provincial system of collective liability, does not apply. It is stipulated in Part II that a worker in an industry which is not under Part I of the Act, that is, not within the system of collective liability or of personal liability in the case of certain large employers in Ontario as administered by the Workmen's Compensation Board, has right of action against his employer for injury received in an accident caused by any defect in the machinery or plant of the employer or caused by his negligence or that of any persons employed by him. The fact that the worker continued in the employment with the knowledge of any defect or negligence is not a bar to the recovery of damages. Negligence on the workman's part may be a factor in determining the amount of damages. Thus, the workers in industries outside the workmen's compensation scheme, under which all accidents occurring to workmen within the scope of the scheme and arising in the course of employment are compensated without recourse to the law courts, are protected in some measure by the adoption of these principles which distinguish employer's liability from workmen's compensation and from the common law.

Ordinances of the Yukon and Northwest Territories make the employer individually liable to pay compensation. A new Ordinance for each of the Territories which continues to provide for a system of individual liability on the part of the employer but which made other significant changes was passed in 1952 and became effective from January 1, 1953.

As before, an employer in each Territory is required to carry accident insurance for his workmen in an approved company unless he has made other arrangements satisfactory to the Commissioner of the Territory.

Previously under the Yukon Ordinance, compensation was payable according to a scale of benefits set out in the Ordinance, and under the Northwest Territories Ordinance, the Commissioner was empowered to pay the difference between the maximum compensation payable under a policy of insurance and the amount which would be payable for a similar disability under the British Columbia Act. The new Ordinances fix for both Territories the scale of compensation payable under the Alberta Workmen's Compensation Act.

The Workmen's Compensation Board of Alberta acts as Referee under both Ordinances to determine disputed claims. All claims for permanent disability are referred by the Commissioner to the Referee for determination. Claims for temporary disability are settled by the insurer. If an employee is dissatisfied with the disposition of his claim, however, he may apply to the Commissioner to have his claim reviewed by the Referee.

The provisions of the Ordinances with respect to coverage, compensable industrial diseases, etc., are substantially the same as those of the Alberta Act. Both Ordinances provide that where a workman is off work for six days or less, he receives medical aid but no compensation for the first three days of his disability. Only if a disability lasts for more than six days may a workman recover compensation from the date of the accident.

A widow receives a lump sum of \$100 and \$50 a month until death or re-marriage, together with \$25 a month for each child up to 16 years of age. Benefits to other dependants are the same as those set out in the Alberta Act.

A workman who is permanently and totally disabled is entitled to receive a life pension equal to 75% of his average weekly earnings. In any case he may not receive less than \$25 a week or his full earnings if less than \$25. In computing average earnings, \$3,000 a year is the maximum amount taken into account.

In addition to compensation payments, the injured workman is entitled to medical aid, the cost of which is borne by the employer.

A federal individual liability statute, the Merchant Seamen Compensation Act, 1946, covers seamen who are not within the scope of a provincial workmen's compensation Act. This Act is described on page 14.

Federal Government Employees

The Government Employees Compensation Act, 1947, which repealed an Act passed in 1918, provides that federal Government employees who are injured by accident arising out of and in the course of their employment or who are disabled by reason of a disease due to the nature of their employment are entitled to receive compensation (including medical and hospital expenses) at the same rate as is provided for workmen employed by private employers under the Workmen's Compensation Act of the province in which the accident occurs or the disease is contracted. The provincial Workmen's Compensation Board acts as the administrative authority in deciding the right to and the amount of compensation, and payment of compensation, including a proportion of administrative costs, is made by the federal Government.

Under this statute, federal Government employees are eligible for compensation for accidents arising out of their employment, whether or not persons in that class of employment would be eligible under the provincial Act concerned. By a 1952 amendment, an employee who is disabled by a disease which is due to the nature of his employment and peculiar to his occupation is entitled to compensation whether or not the disease is recognized as an industrial disease in the province in which he contracts it.

Amendments to the Act in 1951 provided that Government employees resident in the Yukon or Northwest Territories may be compensated for accidents or diseases according to the provisions of the Alberta Act.

The officers and employees of a number of Crown Companies, boards or agencies have been declared to be "employees" under the Act. These include, among others, Central Mortgage and Housing Corporation, the Canadian Broadcasting Corporation, Canadian Arsenal Limited, Atomic Energy of Canada Limited, Polymer Corporation Limited, Canadian Overseas Telecommunication Corporation, Canadian Commercial Corporation and the National Harbours Board.

Blind Workmen

In Alberta, Newfoundland, New Brunswick, Nova Scotia, Ontario and Saskatchewan, there are special statutes, and in Quebec there are special provisions in the Workmen's Compensation Act, dealing with compensation for blind workmen. In all these provinces, where compensation for an accident to a blind workman exceeds \$50, the Workmen's Compensation Board, or the employer if he is individually liable, is to be reimbursed from the Consolidated Revenue Fund of the Province, in Ontario for the full amount of such compensation, and in the other six provinces for the amount in excess of \$50, provided that at the time of the accident the workman was employed with the approval of an institute for the blind recognized by the Government of the Province for that purpose.

Workmen's Compensation Boards

Each Workmen's Compensation Act is administered by a board of three members, five in Quebec, called the Workmen's Compensation Board, or in Quebec, Workmen's Compensation Commission, who are appointed by the Lieutenant-Governor in Council. In Manitoba and Saskatchewan, only the chairman is required to devote his full time to the work. In Alberta, British Columbia, Newfoundland, Ontario and Quebec, all members must devote the whole of their time to their duties under the Act and engage in no other employment.

No limit is set on the tenure of office of members of the Workmen's Compensation Boards except with respect to the chairman of the Saskatchewan Board whose term is limited to ten years, and the two members of the Manitoba Board other than the chairman who are appointed for a five-year term. In these cases members are eligible for reappointment. The New Brunswick statute does not refer to the tenure of office of members of the Board. In Manitoba, Nova Scotia, Ontario and Prince Edward Island, Board members must retire at the age of 75, unless otherwise directed by the Lieutenant-Governor in Council. In Alberta, British Columbia and Newfoundland, they must retire on reaching the age of 70.

The industries within the scope of each Act except that of Newfoundland, New Brunswick and Prince Edward Island were classified by the Act according to accident hazard but, as a result of amendments in Nova Scotia and Ontario, classes formerly set out in the Act are now included in regulations of the Board. Subject, in certain provinces to the approval of the Lieutenant-Governor in Council, the Board may add to the classes or subdivide or rearrange them and may also add industries to or withdraw industries from such classes. The Newfoundland, New Brunswick and Prince Edward Island statutes provided that the classification of industries should be made in the first instance by the Board. The Boards have authority to fix assessment rates appropriate to each class with preferential or merit rating in favour of industries with good accident records. They may collect assessments, determine the right to compensation and pay the amount due to workmen or dependants. The provincial Accident Fund must be so maintained as to be sufficient to meet all claims as they arise. In all these matters, the Boards of Alberta, British Columbia, Manitoba, Newfoundland, Ontario, Quebec and Saskatchewan have exclusive and final jurisdiction but the New Brunswick, Nova Scotia and Prince Edward Island Acts allow appeals to the Supreme Court of the province, with permission of a judge of that Court, upon questions of law or jurisdiction.

In case of dispute as to the payment of any assessment or other sum or of failure to pay such sums, any Board may file an order for payment with the clerk of the court specified in the Act, whereupon as an order of the court, it may be enforced like any other judgment.

Cost of Administration

In each provincial Act except that of New Brunswick it is stipulated that the salaries of Board members and the costs of administration are to be borne by the Accident Fund. In New Brunswick, the Act provides that the salaries of Board members and other costs of administration are to be paid from the Consolidated Revenue Fund, unless the Lieutenant-Governor in Council orders payment of any portion from the Accident Fund. In most provinces a grant was made by the Government in the early years of operation to assist in organizing the work and meeting initial expenses. The Prince Edward Island Act authorizes an annual grant not exceeding \$10,000 from the Provincial Treasury, and such a grant was given in the first year of operation. The Newfoundland Act provides that an annual contribution from moneys voted by the Legislature may be made towards the expenses of administration of the Act, and any sum so paid, not to exceed \$25,000, must be repaid to the Minister of Finance at his request. In British Columbia, Manitoba, Ontario and Quebec, an annual grant may be made from the Consolidated Revenue Fund to assist in defraying expenses but in none of these provinces is any financial assistance now given. Where, however, the Board is charged with other duties, the expenses in connection with them are paid by the Province.

In proportion to the accidents to their own employees, however, the federal and provincial Governments contribute, like other employers who are individually liable, to the cost of administration.

In all provinces, the remuneration of Board members is determined by the Lieutenant-Governor in Council. In addition to the salary thus provided for, the Manitoba Act enables the Lieutenant-Governor in Council to authorize the payment to a Board member giving part-time service of an allowance of \$15 for each meeting of the Board in excess of fifty which he attends in any year.

Scope of Laws

The provincial Workmen's Compensation Acts vary in scope but, in general, they all cover employment, whether by way of manual labour or otherwise, in connection with or incidental to industrial undertakings, including lumbering, mining, quarrying, fishing, manufacturing, printing, engineering and construction, plumbing, painting, decorating and renovating, transport of passengers or freight by rail or water and transport of goods by road, operation of electric power lines, telegraph and telephone systems, waterworks and other public utilities, navigation and operation of boats, tugs and dredges, power laundries, bakeries, dairies, grain elevators, refrigeration plants or warehouses, freight or passenger elevators, lumber, wood and coal yards, scavenging and window-cleaning, dyeing and cleaning.

Theatres and places where moving-pictures are exhibited, automobile repair shops and service stations are within the scope of the Act in all provinces. Shops are covered in Alberta, British Columbia, Newfoundland, New Brunswick, Nova Scotia, Prince Edward Island and Saskatchewan; hotels in Alberta, British Columbia, Newfoundland, New Brunswick, Nova Scotia, Ontario, Prince Edward Island and Saskatchewan; and restaurants in Alberta, British Columbia, Newfoundland, Nova Scotia, Ontario, Prince Edward Island and Saskatchewan. Hospitals are within the scope of the British Columbia, Newfoundland, New Brunswick, Ontario and Saskatchewan Acts; nursing homes are covered in British Columbia and Saskatchewan. Radio broadcasting stations are included in Alberta, British Columbia, Newfoundland, New Brunswick, Nova Scotia, and Prince Edward Island. The operation of an office building or a building rented for manufacturing is under the Ontario Act, and the maintenance or operation of commercial or apartment buildings is under the British Columbia, Newfoundland and Saskatchewan Acts. Janitors and caretakers are covered

in Newfoundland, New Brunswick and Prince Edward Island. Transport by air is expressly included in Alberta, British Columbia, New Brunswick, Ontario and Prince Edward Island. In Manitoba, it is included when carried on by certain subsidiaries of the Canadian Pacific Railway Company. In New Brunswick, however, the industry is only included if 200 workers are employed, and in Prince Edward Island, if 100 workers are employed. Transport by bus is included in all provinces but Quebec.

In British Columbia, employers in practically all industries with the exception of farming are required to protect their workmen under the Act. Among the industries and occupations now covered are wholesaling, ice-harvesting, marine salvage, messenger or delivery service, funeral undertaking, blacksmithing, the non-industrial construction of buildings having a value of \$2,500 or more, and the operation of such places as golf courses, parks, horse-race courses, ice and roller-rinks, bowling-alleys and billiard-parlours, dance-halls, steam baths and beer-parlours.

There are other variations with respect to miscellaneous industries or occupations. The scope of the Acts is affected, too, through the power given in all provinces but Alberta and British Columbia to exclude small establishments. Some undertakings have been excluded unless more than a specified number are employed.

Municipal corporations and boards are deemed to be employers under all the Acts. As regards provincial Government employees, only those engaged in industries which are under the Act when carried on by a private employer are covered in some provinces, e.g., British Columbia, Manitoba and Quebec. In other provinces, e.g., Alberta, New Brunswick, Ontario and Saskatchewan, all employees of the provincial Government are protected.

In every province, certain classes of workers are declared not to be within the scope of the collective liability system or of personal liability as provided for in Ontario and Quebec. Power is given to the Boards, however, to include industries or workmen not within its scope in the first instance on certain conditions. In all provinces, an industry may be brought under the Act by the Board on application of the employer. Workmen, otherwise excluded, may be declared by the Board to be within the statute in British Columbia, Manitoba, Newfoundland, New Brunswick, Nova Scotia, Prince Edward Island and Saskatchewan if the employer applies for such action. In British Columbia, industries may be admitted by the Board on application of the workmen. In Alberta, any establishment or industry may be admitted on the application of the workmen but with respect to particular classes of workers, as indicated below, only if the employer consents. Of its own motion, the Board may bring industries within the Act in Alberta, British Columbia, Manitoba, Nova Scotia, Ontario and Quebec. In Newfoundland, New Brunswick and Saskatchewan, this may be done by the Lieutenant-Governor in Council on recommendation of the Board.

On the other hand, the Board in every province but British Columbia has power to exclude any industry from the Act or, in the case of Manitoba, Newfoundland, New Brunswick, Nova Scotia, Ontario and Saskatchewan, from Part I. In Ontario, Quebec and Saskatchewan, such exclusion must be approved by the Lieutenant-Governor in Council. In Alberta, Newfoundland and Ontario, the Board may exclude any particular trade or occupation from an industry under the Act.

As indicated above, undertakings in which not more than a stated number of workmen are usually employed may be excluded by order of the Board in all the provinces except Alberta and British Columbia. The Manitoba Board has not exercised its power to exclude small industries while, on the other hand, the Nova Scotia Board has excluded all industries employing less than five persons, and in Newfoundland and Prince Edward Island, all those employing less than three persons are excluded. In Newfoundland, New Brunswick, Prince Edward Island, Quebec and Saskatchewan, regulations exclude specific industries unless a stated number of workmen are usually employed. Similar regulations in Ontario were repealed, effective from January 1, 1953. In Newfoundland, New Brunswick, Nova Scotia and Prince Edward Island, such undertakings may be readmitted by the Board, while in Manitoba and Ontario, if an employer or workman in an undertaking so excluded notifies the Board that he wishes to be included, the undertaking must be admitted. In Quebec, only by notification by the employer is the Board required to include the undertaking in the collective liability scheme. In Saskatchewan, application by employer or workman in these cases must be approved by the Board.

Farm Labourers and Domestic Servants

Certain classes of workers, although they are expressly excluded by some of the Acts may, on certain conditions, be admitted. Among these are farm labourers, domestic servants, clerical and casual workers and outworkers.

In Manitoba, Newfoundland and Ontario, the collective liability system is declared not to apply to farm labourers or to domestic servants but the Acts expressly state that either group in Manitoba and Newfoundland and "the industry of farming" in Ontario may be brought under Part I on the employer's application. In Quebec, the industry of farming and domestic service are excluded and there is no provision for coverage by application.

The provisions in the New Brunswick, Nova Scotia, Prince Edward Island and Saskatchewan Acts are similar. Farm labourers and domestic servants, or in Saskatchewan the industry of farming, ranching and domestic servants, are specifically excluded from Part I, along with certain other groups, but such exclusions are subject to a succeeding section of the Act which provides that an industry or workman not within the scope of Part I may, on the application of the employer, be admitted. In Saskatchewan, the exclusions are also subject to a further provision which permits an industry not within the scope of Part I to be brought under Part I by the Lieutenant-Governor in Council on the recommendation of the Board.

The Alberta Act applies only to specified industries and domestic service is not mentioned. As to farm workers, the statute provides that the industry of farming or ranching may be included by the Board on the application of the employer or of a majority of the employees with the employer's consent.

Farming is not among the industries specified in the British Columbia statute but, under the Board's general power to declare industries or undertakings within the Act on the application of either employer or workman, farm labourers may be brought within it. As a result of a 1954 amendment, domestic servants may apply for coverage under the elective provisions of the Act.

Hence, in all provinces, except to a limited extent, farm labourers and domestic servants, or their dependants, have recourse only to an action at common law for damages for accidents arising out of employment.

Clerical and Casual Workers and Outworkers

In Manitoba, clerical workers who are employed in industries which are within the Act and who are not exposed to the hazards of the industry are excluded from Part I but they may be brought within the Act on the application of the employer; in the other provinces, clerical workers are eligible for compensation.

Casual workers, employed otherwise than for the purpose of the employer's business, and outworkers or persons to whom work is given to be done at home, are outside the scope of the collective liability system in all provinces. In British Columbia, Newfoundland, New Brunswick, Nova Scotia, Prince Edward Island and Saskatchewan, these two classes may be brought within the scope of the Act under the conditions outlined above (see p. 12). In Alberta, casual workers may be brought under the Act on application of the employer or of the majority of the workmen if the employer consents, but outworkers are declared outside the Act.

Seamen

The Merchant Seamen Compensation Act, 1946, applies to seamen excluding pilots, apprenticed pilots and fishermen, on ships registered in Canada or chartered by demise to a resident of Canada or to a person whose principal place of business is in Canada provided that the ship is engaged in trading on a "foreign" voyage or on a "home-trade" voyage as these voyages are defined in the Canada Shipping Act. The Act may be applied by the Governor in Council to seamen hired in Canada and employed on a ship registered out of Canada but operated by a resident of Canada or a person having his principal place of business in Canada.

Under this Act, the employer of a seaman injured by reason of an accident arising out of and in the course of his employment is required to pay compensation in accordance with the scale set out in the Act, and to cover his risk by insurance or other means satisfactory to the Merchant Seamen Compensation Board. Payment is made by the employer direct. No compensation is payable where a seaman or his dependants are eligible for compensation under a provincial workmen's compensation law or under the Government Employees Compensation Act.

Benefits under the Act, as amended in 1953, include, in a fatal case, \$50 monthly to a widow, with \$15 for each child under 18 years, or \$25 for each orphan child, together with a maximum of \$200 for burial expenses if they are not borne by the employer in accordance with the Canada Shipping Act, and not more than \$125 for transportation and other expenses incurred in transferring the body to the place of interment. In case of total disablement, the seaman is entitled to two-thirds of his average earnings and for partial disablement, two-thirds of the difference between his average earnings before and after the accident.

In calculating compensation for disability, not more than \$3,600 annual earnings may be taken into account. Compensation is payable from the date of disability if the injury disables the seaman for four days or more. Medical aid is payable from the date of the injury.

Seamen are within the scope of the Alberta, British Columbia, Manitoba, Newfoundland, New Brunswick, Ontario, Prince Edward Island and Quebec Acts but in some provinces they have been excluded by regulation and in such cases may file claims for compensation under the federal Act. Most claims under the federal Act come from the four Maritime Provinces.

During the period for which duty is payable to the Sick Mariners' Fund under the Canada Shipping Act, and seamen are, therefore, eligible for medical aid under specified conditions, the British Columbia, Newfoundland, New Brunswick and Prince Edward Island Acts stipulate that medical aid is not payable under their provisions. In British Columbia, however, seamen are eligible under the Workmen's Compensation Act for any additional medical aid not furnished under the Canada Shipping Act, and, by a 1954 amendment, the Board was given discretion to pay the medical costs of a seaman when, for reasons beyond his control, he cannot be furnished prompt, necessary or emergent medical care under the Canada Shipping Act. (p.19)

Risks Covered

Where in any employment within the scope of the provincial workmen's compensation system "personal injury by accident arising out of and in the course of the employment is caused to a workman", compensation is to be paid, including cash payments, medical and surgical aid and hospital and skilled nursing services. But no compensation is payable where the injury

is attributable solely to the serious and wilful misconduct of the workman unless the injury results in death or serious disablement.

This wording of the Ontario Act is reproduced in the statutes of Prince Edward Island and Quebec and, with some slight variation, in Alberta. In Manitoba, Newfoundland, Nova Scotia and Saskatchewan, the law is similar but the exception in favour of a workman whose misconduct caused the injury is limited to cases where the resulting disablement is permanent ("unless the injury results in death or serious and permanent disablement"). The British Columbia Act has a further variation of this provision, stating that compensation is not payable in such circumstances unless the injury results in death or serious or permanent disablement. The New Brunswick Act differs from the other Acts in stipulating that no compensation shall be paid if the accident was, in the opinion of the Board, intentionally caused by the workman or was wholly or principally due to his intoxication or serious and wilful misconduct and did not result in the workman's death.

In all the provinces but New Brunswick the word "accident" is defined to include "a wilful and an intentional act, not being the act of the workman, and a fortuitous event occasioned by a physical or natural cause". In Newfoundland, Nova Scotia and Prince Edward Island, compensation is payable for injury by lightning, and the Newfoundland, Nova Scotia, Prince Edward Island and Saskatchewan Acts expressly include frostbite resulting from the workman's employment. A special clause in the Alberta Act provides that, where a workman is found dead in a place where his employment might cause him to be, it shall be presumed that his death was the result of an accident arising out of his employment unless the evidence is sufficient to rebut the presumption. A similar provision in the Newfoundland and Nova Scotia Acts applies only to a workman found dead in the underground workings of a mine, (in Nova Scotia, of a coal mine).

Occupational Diseases

In addition to accidents, certain occupational diseases give a workman the right to compensation in all the provinces, "if the disease is due to the nature of any employment in which he was engaged at any time within twelve months previous to the date of his disablement whether under one or more employments". In Manitoba and Ontario, any disease peculiar to an industrial process is compensable. In all provinces but Alberta, it is stipulated that compensation shall not be paid if, at the time of entering into the employment, the workman had wilfully and falsely represented himself as not having previously suffered from the disease. In British Columbia, Manitoba, Ontario, Quebec and Saskatchewan, however, the workman is ineligible for compensation only if such false representation has been made in writing.

The diseases for which compensation is payable are set out in a schedule to each Act, or, in New Brunswick and Ontario, in the regulations of the Board. The Board in every province is given authority to add to the schedule and in most cases other diseases have been added to the original list. In New Brunswick, the Board was empowered to determine by regulation all the diseases to be compensated. The occupational diseases which are compensable under the provincial Acts are shown in tables beginning at page 30.

In Newfoundland, New Brunswick and Prince Edward Island, the Board may require a workman in any employment to have a medical examination in order to determine whether he has an occupational disease, and if he refuses or fails to do so, the employer may not continue to employ him.

In all provinces, compensation is payable for silicosis. In Alberta, British Columbia, Manitoba, Nova Scotia, Ontario, Quebec and Saskatchewan, silicosis is compensated under certain conditions, that is, the workman must have been employed for a stated period in an employment where he was exposed to silica dust either in a specified industry or, in Manitoba and Nova Scotia, in any industry within the scope of Part I of the Act. In Newfoundland, New Brunswick and Prince Edward Island, silicosis is included in the schedule of industrial diseases; it is compensated in Newfoundland if it occurs in mining and in Prince Edward Island if it occurs in any process involving the inhalation of silica dust.

Waiting Period

Each Act provides for a "waiting period", which varies from one to seven days.

In Alberta and Saskatchewan, the waiting period is one day, that is, no compensation is payable for a disability that lasts only for the day of the accident but if the worker is disabled for any longer time, compensation is payable from and including the day after the accident.

The British Columbia and Manitoba Acts provide for a waiting period of three days and a qualifying period (six days in British Columbia and seven days in Manitoba) at the expiration of which compensation is payable from the date of the accident. A worker in British Columbia whose disability lasts six days or less cannot recover compensation for the first three days of his disability.

Only if a disability lasts longer than six days is compensation payable from the day of the accident. Similarly, an injured worker in Manitoba has to be off work longer than seven days in order to be eligible for compensation from the date of the accident.

In Newfoundland, New Brunswick and Prince Edward Island, the waiting period is four days; in Nova Scotia and Ontario, it is five days; and in Quebec, it is seven days. Workers receive no compensation, therefore, for short periods of disability, that is, less than four days in Newfoundland, New Brunswick and Prince Edward Island, less than five days in Nova Scotia and Ontario, and less than seven days in Quebec. Where the disability continues beyond the waiting period, compensation is payable from the date of the lay-off.

Under all the Acts, medical aid is given from the date of the accident.

Medical Aid

In addition to cash benefits, the cost of medical aid for injured workmen is borne by the Accident Fund for as long as needed under all the provincial Acts. In Quebec, employers who are individually liable for compensation must furnish satisfactory medical aid or they may be ordered to pay for such aid as is procured by the workmen or the Board; in Ontario, the amount must be paid by such employers through the Board.

In all provinces, medical aid includes medical, surgical, nursing and hospital services. In Ontario, it includes also treatment by persons registered under the Drugless Practitioners Act and the Chiropody Act and in Alberta and Saskatchewan, the term includes treatment by any person licensed under provincial law to practise the healing arts. In Manitoba, the Board may permit treatment by a registered osteopath or chiropractor. The British Columbia Act permits treatment by "qualified practitioners" defined as persons registered under the Chiropody Act, the Chiropractic Act, the Dentistry Act and the Naturopathic Physicians Act.

In British Columbia and Manitoba, it is expressly provided that the Board has authority to provide transportation for an injured workman. In Alberta, Newfoundland and New Brunswick, the term "medical aid" includes transportation. The New Brunswick Act requires an employer to transport the workman to a hospital, physician or to the workman's home, the cost to be paid for by the Board from the Accident Fund. In all other provinces, the cost of such transport must be borne directly by the employer. In Newfoundland, Nova Scotia and Prince Edward Island, if an employer fails to provide a conveyance, he is liable to pay to the Board double the cost of transporting the workman.

The Boards of all provinces provide crutches, artificial limbs and other apparatus for injured workmen. In Newfoundland, New Brunswick, Nova Scotia, Ontario, Prince Edward Island, Quebec and Saskatchewan, workmen are entitled to have such apparatus kept in repair as the Board deems necessary, and in Alberta, British Columbia and Manitoba for as long as disability lasts. The Alberta, British Columbia, Manitoba and Quebec Acts specifically provide for medicines and in other provinces the cost of these may be included in the term "medical aid". In Alberta, British Columbia, Manitoba and Saskatchewan, the Board may replace

and repair broken dentures, and in Newfoundland, Nova Scotia, Ontario and Prince Edward Island, the workman is entitled to such dental appliances and apparatus as may be necessary as a result of an accident and to have them kept in repair or replaced at the discretion of the Board. In New Brunswick, provision is made for dental aid. In Alberta, British Columbia, Manitoba, Newfoundland, Nova Scotia, Prince Edward Island and Saskatchewan, the Board may replace and repair eye-glasses broken by an accident arising out of employment. The Saskatchewan Board may bear the expense of the removal of infected teeth or tonsils which can be assumed to hinder an injured workman's recovery. In Ontario, provision is made in permanent total disability cases for such other treatment, services or attendance as may be necessary as the result of the injury.

The Board is authorized to make a per diem subsistence allowance from the Accident Fund in Alberta, British Columbia and Newfoundland to a workman under treatment at a place other than that in which he resides. In Alberta, the allowance authorized to be paid is \$5 a day. No amount is specified in British Columbia and Newfoundland.

As regards the choice of a physician, the statutes in New Brunswick, Ontario and Saskatchewan merely stipulate that a workman must, if required by his employer, submit to a medical examination by a physician chosen and paid by his employer but, except in New Brunswick, only in accordance with the regulations of the Board. The implication is that in the first instance he may choose his own doctor. In Quebec, the Act expressly states that a workman may select his physician. In Alberta, British Columbia and Manitoba, the Board is authorized to permit the workman to be treated by his own physician and this is the usual practice provided one reasonably near is chosen.

If so required by the Board, a workman under several of the Acts must submit to an examination by a medical referee chosen by the Board or to such other examination as the Board requires. In Alberta, in cases of dispute, the Board, if requested by the workman in writing, after consulting the workman's physician, must nominate two recognized specialists in the class of injury or ailment for which compensation is claimed and the workman may select one of them to conduct the examination. If he fails to make a choice, the Board may make it. Similar provision for a medical appeal is made in British Columbia where, however, a workman who requests a further examination must be examined by two specialists, one selected by himself and the other by the Board from a panel of not less than three previously nominated by a recognized medical association.

In all provinces the fees for medical aid are fixed by the Board.

Employers' Schemes for Medical Aid

Employers' schemes for medical aid to their workmen may, under all the statutes except that of Ontario, be continued or put into effect if, after considering the wishes of both workmen and employer, the Board deems them to be at least as favourable to the workmen as the provisions of the Act. Such a scheme, approved by the Board and under its supervision, may replace the arrangement for medical aid in the Act. In Manitoba and New Brunswick, no private schemes have been approved by the Board. The Alberta, Newfoundland, New Brunswick, Nova Scotia, Prince Edward Island, Quebec and Saskatchewan Acts stipulate that the employer is entitled to reimbursement out of the Accident Fund

or to a reduction in his assessment rate where such a scheme is in force. In British Columbia and Manitoba, the Act states that employers' schemes for medical aid may be approved subject to such conditions as the Board may impose. In Newfoundland, New Brunswick, Nova Scotia, Prince Edward Island, Quebec and Saskatchewan, contributions from workmen towards the expense of medical aid are expressly forbidden except as may be permitted under a private arrangement for furnishing medical aid approved by the Board. In Nova Scotia, schemes in the coal industry under which the miners pay the cost through a long-established arrangement with the local doctors have been permitted to continue in consideration of the employers' contributions to miners' relief societies which constitute virtually an insurance plan providing benefits in sickness and for dependants in case of death. In some districts these arrangements for medical treatment were altered so as not to apply to compensation cases.

Medical Aid for Seamen

The federal Merchant Seamen Compensation Act, which applies to seamen who are not within the scope of any provincial Workmen's Compensation Act, provides for medical aid from the date of disability. The Act stipulates, however, that a seaman entitled to medical aid under the Canada Shipping Act is not entitled to medical aid under the 1946 statute for the same period or to the same extent.

In British Columbia, Newfoundland, New Brunswick and Prince Edward Island, the Workmen's Compensation Act stipulates that seamen on vessels on which duty is payable for the purpose of the Sick Mariners' Fund under Part V of the Canada Shipping Act shall not, during the period for which such duty is payable, receive medical aid under the Workmen's Compensation Act. In British Columbia, however, seamen are eligible under the Workmen's Compensation Act for any additional medical aid which is not furnished under the Canada Shipping Act. Under that Act, all ships arriving at any port in British Columbia, Manitoba, Newfoundland, New Brunswick, Nova Scotia, Ontario, Prince Edward Island or Quebec are required to pay a duty for the Sick Mariners' Fund but ships engaged in the coastal trade and fishing vessels are exempt. A master of a fishing vessel may, however, elect to pay the duty whereupon medical treatment is available to members of the crew.

First Aid

In all provinces, employers in industries in which it is deemed proper may be required by the Board to maintain such first-aid appliances and service as the Board may direct. In British Columbia, when the employer fails to comply with this provision, the Board may install first-aid appliances and charge the cost of them to the employer. Regulations have been issued in most provinces setting out the minimum first-aid service required to be maintained according to the number of employees.

Rehabilitation

To aid in getting men back to work and in lessening any handicap, a Board may adopt any means considered expedient and pay the cost from the Accident Fund. Except in Alberta, British Columbia and Saskatchewan, the maximum amount that may be spent for rehabilitation in a year is fixed in the statute: \$5,000 in Prince Edward Island; \$10,000 in Manitoba; \$15,000 in Newfoundland and New Brunswick; \$20,000 in Nova Scotia; \$100,000 in Quebec; and \$200,000 in Ontario. In Alberta, since 1948 a reserve fund has been set aside for the payment of expenses incurred by the Board in re-training and rehabilitation.

Accidents Occurring Outside the Province

The Act in each province makes some provision for compensation to workmen who are hired by an employer in the province and who are injured in accidents occurring outside its boundaries.

The determining factors are usually the employer's place of business and the residence and usual place of employment of the workman. Although the Acts vary in wording, in general they ensure protection to such workmen and guard against any overlapping.

In British Columbia, Ontario and Quebec, compensation is payable for an accident which occurs outside the province if the place or chief place of business of the employer and the residence and usual place of employment of the workman are in the province and provided that employment out of the province has lasted less than six months. In Ontario in 1953, however, a section was added to the Act which permits compensation to be paid in such circumstances when workmen are employed out of the province for a longer time than six months.

The Alberta Act provides that compensation is payable if the workman is a resident of the province or his usual place of employment is in the province, if the nature of the work is such that it is required to be performed both in and out of the province, and if the employment out of the province followed employment by the same employer in the province and has lasted less than 12 months (or longer if the Board permits).

In Newfoundland, Nova Scotia and Prince Edward Island, compensation is payable if the workman's usual place of employment is in the province, if the accident happens while he is out of the province for some purpose connected with his employment in the province and if employment out of the province has lasted less than six months or, in the case of Newfoundland, less than eight months. In these three provinces and in Quebec, however, compensation is only payable in such cases if the workman or his dependants are not entitled to compensation under the law of the place where the accident happens.

The Manitoba Act makes a workman eligible for compensation for an accident which occurs while he is outside the province merely for some casual and incidental purpose connected with his employment provided that he is a resident of the province and his employer has his place of business within its boundaries. A similar provision in the Ontario Act entitles a workman to compensation if his usual and principal place of employment is in Ontario even though his residence is outside the province.

There are, in addition to the above-noted provisions applying to any extra-provincial employment within the scope of the Acts, specific provisions in the British Columbia, Manitoba, Ontario and Quebec Acts which deal with accidents occurring outside the province in employment in connection with the transportation industry.

Compensation is payable in British Columbia, Manitoba and Ontario where an accident happens on a steamboat, ship or vessel, railway or aircraft, or (except in Manitoba) on a truck, bus or other vehicle used to transport freight or passengers, if the nature of the employment is such that it must be performed within and outside the province and, in Manitoba and Ontario, if the workman is a resident of the province or, in British Columbia, if the place or chief place of business of the employer is in the province. An amendment to this section of the Manitoba Act in 1953 provided that members of a fire brigade or other municipal employees are eligible for compensation for an accident which occurs when their duties take them outside the province.

In Quebec, a workman resident in the province and employed in transport by land is entitled to compensation where he is required to perform his work both in and out of the province and one resident or hired in the province and employed in transport by water is eligible for compensation where his work must be performed partly within and partly outside the province if the vessel on which he is employed is either registered in a Canadian port or if the owner or charterer has his home or principal place of business in the province. There is a further provision in the Ontario Act similar to the above, which entitles a workman resident in Ontario to compensation for an accident which happens out of Ontario on a ship registered in Canada or on one of which the owner or charterer has his chief place of business in Ontario whether or not the workman had been employed previously in Ontario and regardless of the duration of his employment out of Ontario.

The Prince Edward Island Act provides that before a workman is required to perform services outside the province an employer must apply to the Board to have the industry brought under the Act and must pay the required assessment. Failure to do so makes him personally liable for compensation. This provision applies to the industry of "navigation" which is limited to work performed on a ship registered in Prince Edward Island or operated by an employer residing or having his place of business in the province, and to voyages between Prince Edward Island and New Brunswick, Nova Scotia or Newfoundland.

The New Brunswick and Saskatchewan Acts make no specific mention of transportation but merely provide that, where a workman is engaged in work part of which is to be performed in the province and part in an adjoining province or country, the work is considered as done in the province and compensation is payable accordingly.

In British Columbia, Newfoundland, New Brunswick, Nova Scotia, Prince Edward Island, Quebec and Saskatchewan, if an employer fails to include the workmen whose work requires them to go outside the province in the report of his payroll to the Board and an accident occurs to any workman outside the province for which he is entitled to compensation, the employer is individually liable to pay such compensation. The British Columbia, Newfoundland, Nova Scotia and Prince Edward Island Boards, however, may exercise their discretion on this point according to the circumstances.

In Ontario, when the employer's place of business is not in the province, provision is made for the payment of compensation for accidents occurring outside the province under certain circumstances. If compensation is payable under the law of the place where the accident happened, compensation is not payable in Ontario whether the workman is a resident of the province or not, unless his place of employment is in the province and he was, at the time of the accident, out of the province merely for some casual purpose incidental to his employment.

In Alberta, British Columbia, Ontario, Prince Edward Island, Quebec and Saskatchewan, if an accident happening elsewhere than within the province entitles the workman to compensation under the law of another province or country in which the accident occurred as well as under the law of the province, the Act requires him to choose under which law he will claim compensation and to give notice accordingly.

Alberta, British Columbia, Manitoba, Newfoundland, Ontario, Quebec and Saskatchewan provide for interprovincial agreements to facilitate the handling of cases in which workmen are employed outside the province. The Alberta Board may enter into an agreement with the Board of any other province to provide compensation for injuries to workmen who are employed under such conditions that part of their work is performed in Alberta and part in another province and to prevent a duplication of assessments. The British Columbia, Newfoundland, Ontario and Quebec Boards may make arrangements with the Board of any other province to avoid duplication of assessments and may repay any other Board for any payment of compensation made under such an arrangement. In Manitoba, where a workman's employment requires him to be regularly outside the province, the Board may arrange with the employer and the Board of the other province the premium to be paid to each Board.

In Saskatchewan, the Act enables the Board, with the approval of the Lieutenant-Governor in Council, to arrange with the Boards of adjoining provinces with respect to compensation for injuries to workmen whose employment is at one time or season in one province and at another time or season in another, and also with respect to compensation for industrial diseases incurred by workmen whose employment extends across the interprovincial boundary. The Manitoba Act has a similar provision relating to industrial diseases.

Non-resident Workmen and Dependents

The question of compensation to workmen or their dependents who reside outside the province or outside of Canada is dealt with in all the Acts. In most of the provinces such compensation is granted only on condition that similar benefits are provided for by the law of the country in which the beneficiaries reside. The higher standard of living in Canada compared with many other countries has also been taken into consideration and it is frequently stipulated that the amount of compensation may be adjusted on this basis.

The British Columbia law stipulates that, where compensation is payable to persons residing outside of Canada, the Board may award a smaller sum if, in its opinion, dependents can be maintained on such smaller sum in a like degree of comfort as dependents of the same class in Canada. The New Brunswick Act contains a similar provision with respect to dependent aliens residing outside of Canada.

In Quebec, dependants not residing in Canada may be awarded such sum in lieu of compensation as the Workmen's Compensation Commission deems proper.

A similar provision to that of Quebec is found in the Alberta, Ontario and Saskatchewan Acts. These statutes, however, while giving to the Board such discretionary power, stipulate, generally, that a dependant who does not live in Canada is not entitled to compensation, unless by the law of the place or country in which he resides, the dependant of a workman to whom an accident happens in that country, if resident in Canada, would be entitled to compensation.

In Manitoba, Newfoundland, New Brunswick, Nova Scotia and Prince Edward Island, the section dealing with non-resident dependants is like that in Alberta, Ontario and Saskatchewan except that in the five first-named provinces, the provision relates to dependants who do not live in the province as well as to non-residents of Canada, and in Newfoundland, New Brunswick, Nova Scotia and Prince Edward Island, the clause is permissive only. The Board is given power to order compensation to be paid in such cases. In New Brunswick, the statute requires an order in council to set out that provision is made by other provinces and countries for compensation in respect to workmen of those countries or provinces and benefits are payable to dependants resident in New Brunswick. Such an order in council was approved in February, 1919.

In the three provinces, Manitoba, Ontario and Saskatchewan, compensation awarded to non-resident dependants may not be greater than the amount of compensation that would be payable under the law of the other country if the dependant concerned under that law resided in one of these provinces and in Newfoundland, New Brunswick, Nova Scotia and Prince Edward Island, the Board may reduce the compensation in such a case to that payable under the law of the country concerned.

Security for Payment of Compensation

Default on the part of the employer in making the required returns to the Board or in paying his assessment does not affect the payment of compensation for an accident occurring during the period of default. In such case, the employer is liable, in Alberta and Manitoba, in addition to a penalty, to pay one-half of the compensation payable, or in Alberta, not more than \$300 and in Manitoba, not more than \$500. In the other provinces except Prince Edward Island, the employer is required to pay the full amount or capitalized value of the compensation as the Board determines. The Prince Edward Island Act makes the employer liable, in addition to a penalty, to pay \$100 for each week of default.

In every province where default is made in the payment of an assessment, judgment may be entered on a certificate filed in court by the Board. In Alberta, British Columbia, Manitoba, Newfoundland, New Brunswick, Nova Scotia and Prince Edward Island, the Board has right of action against the employer and in Alberta, Ontario and Saskatchewan, if an assessment remains unpaid for 30 days the amount may be collected for the Board by the municipality in the same manner as taxes.

In Quebec, assessments have priority over any lien and in British Columbia and Alberta, over any lien except one for wages. In the other provinces, where an employer would be entitled to a lien the owner of the property is liable for the assessment or to a penalty if he fails to see that the employer pays it.

All the Acts provide that in the case of the death of the employer or of an assignment or winding-up of a company the amount of any assessment or compensation for which the employer was liable shall be included among the debts, such as legal costs, taxes or wages, which, under the provincial statutes governing the distribution of estates in such cases, have priority over other claims against the property of the employer. The federal Bankruptcy Act also stipulates that all wages earned during the preceding three months and any indebtedness under a provincial Workmen's Compensation Act shall be preferred claims.

Accident Prevention

The Board in each province, except Manitoba, and any person appointed by the Board have authority to inspect the premises of any employer within the scope of the Act to ascertain whether proper precautions are being taken to prevent accidents and whether the safety appliances or safeguards required by law are being used. In Manitoba, the provincial Department of Labour is responsible for accident prevention work.

In Alberta, British Columbia, Newfoundland and Saskatchewan, the Board may determine the measures to be adopted or the safety devices to be installed for the prevention of accidents and diseases, making general or special rules for that purpose. Before adopting such rules, the British Columbia Board must arrange for them to be considered at a public hearing of which ten days' notice must be given and the Newfoundland and Saskatchewan Boards may hold a conference with a committee consisting of not more than five employers and a committee of an equal number of workmen in the industries affected by the regulations. In all these provinces and in Prince Edward Island, the Board may order an employer to install in his plant, within a specified time, any safety device which in its opinion is necessary. In British Columbia, Newfoundland and Saskatchewan, the Board may maintain museums or places for the exhibition of safety devices, publish and distribute bulletins on accident prevention, arrange for lectures on the causes and prevention of industrial accidents and diseases and appoint advisory committees on which employers and workmen are represented to assist the Board in establishing standards of safety and to recommend rules for that purpose. The Alberta Board has similar power to carry on education and instruction in accident prevention. Safety regulations have been made by the Boards of both Alberta and British Columbia. An accident prevention committee must be organized in every plant employing, in Alberta, 10 or more workmen, or in British Columbia, 20 or more.

In Newfoundland, New Brunswick, Nova Scotia, Ontario, Prince Edward Island and Quebec, associations of employers, and in Saskatchewan associations of employers and workmen, in any of the classes into which they are divided for purposes of assessment may make rules for accident prevention. In New Brunswick and Nova Scotia, one accident prevention association covers the province. In Ontario and Quebec, certain classes are organized separately, construction, pulp and paper, lumbering, mining and electrical work in Ontario and pulp and paper, lumbering and public utilities in Quebec. Employers in other classes in each province are associated in one body.

If the Newfoundland, Nova Scotia and Prince Edward Island Boards approve the rules, they become binding upon all employers in the class or classes whether members of the association or not. In New Brunswick, Ontario, Quebec and Saskatchewan, if the Board considers the association to be sufficiently representative of the employers affected and approves their rules, they become binding if they are approved also by the Lieutenant-Governor in Council. Where an association appoints safety inspectors, the Board in any of these provinces may pay the whole or part of their salaries out of the Accident Fund. A special grant may also be made towards the expenses of an association. Monies paid by the Board, under these provisions, are to be charged to the classes represented by the association concerned.

In Alberta, British Columbia and Prince Edward Island, if the Board considers that an accident is due to the failure of an employer to comply with the regulations or with the directions of the Board, it may, in British Columbia, collect from the employer the amount of the compensation payable, not exceeding \$300 in any case, and in Alberta and Prince Edward Island, a sum not exceeding one-half of the amount of compensation payable.

In British Columbia and Manitoba, where an industry is so circumstanced or conducted that the hazard is either greater or less than the average of the class to which the industry belongs, the Board may fix a higher or lower rate according to the hazard. In New Brunswick, the rate may be increased where the hazard is greater than the average of the class owing to the manner in which the industry is carried on.

The Acts of all provinces except Prince Edward Island permit the Board to adopt a system of merit or experience rating. Moreover, in Alberta, Ontario, Quebec and Saskatchewan, if the Board considers that sufficient precautions have not been taken for the prevention of accidents or that working conditions are not safe or that machinery, appliances, etc., are defective or inadequate, it may add to the employer's assessment such a percentage as it deems just or, in Quebec and Saskatchewan, it may exclude the industry from the class in which it is included and make the employer individually liable for compensation. In Prince Edward Island, an employer who disregards the recommendations of the safety officer authorized by the Board to inspect his premises is liable to have his assessment rate raised or, if the hazard is not removed, to be restrained from carrying on operations.

Conventions and Recommendations
of the International Labour
Conference

1. Accidents

The International Labour Conference at its 1925 Session adopted three Conventions and four Recommendations concerning workmen's compensation. The 1925 Convention (No. 18) concerning compensation for occupational diseases was revised in 1934 (No. 42) to cover additional diseases.

The Convention (No. 17) relating to industrial accidents requires that workmen's compensation laws shall apply to all workmen, employees and apprentices employed in a public or private undertaking with the exception, where deemed desirable by the Legislature, of casual workers employed otherwise than for the purposes of the employer's business, outworkers, members of the employer's family working exclusively for and residing with him, and non-manual workers whose remuneration exceeds a limit determined by national legislation.

The Convention does not apply to agriculture, which is covered by a 1921 Convention, nor to seamen or fishermen, nor to persons covered by special schemes whose terms are not less favourable than those of the Convention.

The Convention requires compensation, in fatal and permanent disability cases, to be paid periodically except where the authorities are satisfied that a lump sum will be properly used. Compensation must be payable from not later than the fifth day after the accident and additional compensation must be given where the injured person requires the constant help of another person. A workman is entitled to medical, surgical and pharmaceutical aid and to the supply and normal renewing of artificial limbs and surgical appliances or to a money payment in place of them. Provision must be made to ensure the payment of compensation in the event of the employer or insurer becoming insolvent.

The Convention leaves each country free to determine whether compensation shall be payable directly by the employer or by an accident or sickness insurance institution.

This Convention has been ratified by 25 States. It can be ratified by Canada only if the federal, provincial and territorial laws comply with its standards. The most outstanding differences are in scope. The Convention includes domestic servants which are nowhere included in Canada. It applies also to industrial undertakings irrespective of the number employed, to commercial establishments, such as shops, hotels, restaurants, places of amusement, banks and offices of various kinds, to hospitals and other institutions of a commercial or of a non-profit nature.

The scope of the Canadian Acts is set out on p. 11.

2. Agriculture

Convention No. 12, adopted at the 1921 Session of the Conference, requires all agricultural wage-earners to be included within the scope of workmen's compensation. This Convention has been ratified by 26 countries, including the United Kingdom and New Zealand.

In Canada, farm workers are not compensable except to a very small extent. However, in most provinces agricultural workers may be brought within the scope of the Act either by regulation of the Board or by Order in Council, (p. 13).

3. Occupational Diseases

The 1925 Convention providing for compensation for poisoning by lead or its alloys or compounds, poisoning by mercury or its amalgams and compounds, and for anthrax infection was ratified by 32 States. The 1934 Convention has been ratified by 25 States, including the United Kingdom.

This Convention requires compensation to be paid in case of death or disability from any of the specified diseases in accordance with the general principles of the legislation providing for compensation for industrial accidents and at rates not less than those prescribed for accidental injury. In addition to the three diseases specified above, the 1934 Convention applies to silicosis, poisoning by phosphorus or arsenic or their compounds, poisoning by benzene or its homologues and their nitro- and amido-derivatives or by the halogen derivatives of hydro-carbons of the aliphatic series, pathological manifestations due to radium or other radio-active substances or to X-rays, and primary epitheliomatous cancer of the skin.

Only Ontario and Saskatchewan provide compensation for all these diseases. For the diseases compensable in each province, see p.30.

A Recommendation (No. 24) of the 1925 Conference is to the effect that each State should adopt a simple procedure for revising the list of diseases for which compensation is payable. In Canada, all provinces may add to the list by regulation of the Workmen's Compensation Board.

4. Minimum Scale of Compensation

The Recommendation (No. 22) concerning the Minimum Scale of Workmen's Compensation proposes for permanent total incapacity a periodic payment equal to two-thirds of the workman's annual earnings and in case of temporary total incapacity a daily or weekly payment equivalent to two-thirds of the workman's basic earnings as calculated for purposes of compensation. In case of permanent or temporary partial incapacity, the benefit proposed is a proportion of the periodic payment due in the event of permanent or temporary total incapacity, respectively calculated in reference to the reduction in earning power.

Where periodic payments are made, the maximum yearly total paid to all dependants should not be less than two-thirds of the annual earnings of the deceased workman. Where compensation is paid in a lump sum, the maximum payable to all dependants should not be less than the capitalized value of periodic payments equivalent to two-thirds of the annual earnings.

The Recommendation further proposes that provision be made for the vocational re-education of injured workmen, and institutions which undertake such re-education should be encouraged by the Government.

Those entitled to be regarded as dependants under the Recommendation include at least the consort, children under 18 and invalid children over that age, dependent grandchildren and brothers and sisters within the same age limits, and dependent parents and grandparents.

In the Canadian provinces compensation is payable on at least as high a scale except that in all provinces a limit is placed on the maximum earnings which may be taken into account when calculating compensation. Further, compensation is normally paid only in respect of children under 16 except in New Brunswick and Quebec where the normal age is 18. In New Brunswick, however, payments cease if the child does not attend school up to 18 years. Exceptions are made for invalid children in all provinces and in Alberta, British Columbia, Manitoba, Newfoundland, Nova Scotia, Ontario, Prince Edward Island and Saskatchewan, for children continuing their education up to 18 years of age.

5. Equality of Treatment for National and Foreign Workers

The Convention (No. 19) concerning Equality of Treatment for National and Foreign Workers as regards Workmen's Compensation for Accidents has been ratified by 43 countries, including the United Kingdom.

This Convention requires each State which ratifies it to grant to the nationals of any other State which ratifies the Convention the same treatment in regard to compensation for accidents happening in its territory as it accords to its own nationals. This treatment is to be given to foreign workers and their dependants without any conditions as to residence. Special arrangements between the States concerned are to regulate, if necessary, the payments to be made outside the territory of any Member State. Agreements may be made between Member States providing that compensation for accidents happening to workers who are temporarily or intermittently employed in the territory of one Member, on behalf of an undertaking situated in the territory of another Member, shall be governed by the laws of the latter Member State.

The Canadian provisions relating to Equality of Treatment are stated on page 22.

The Recommendation (No. 25) on the same subject is to the effect that measures should be taken to facilitate the payment of compensation to foreign workers, and that in case of dispute concerning the non-payment or reduction of compensation due to a person residing elsewhere than in the territory where his claim originated, facilities should be afforded for taking legal proceedings in such territory without requiring the attendance of the persons concerned.

6. Jurisdiction in Disputes

Recommendation No. 23 relates to jurisdiction in disputes concerning workmen's compensation. Since such disputes turn not only on the interpretation of laws and regulations but also on questions of an occupational character requiring a thorough knowledge of working conditions, it is recommended that every dispute relating to workmen's compensation should be dealt with by a special court or board of arbitration comprising, with or without the addition of regular judges, an equal number of employers' and workers' representatives nominated or appointed to act as adjudicators by their respective organizations or elected by bodies of employers and workmen. Where such disputes are dealt with by ordinary courts of law, the courts should be required to hear employers' and workers' representatives as experts in cases involving questions of an occupational character and, in particular, the question of degree of incapacity.

Occupational Diseases

The following table shows the diseases for which compensation is payable under the Workmen's Compensation Acts by provinces but in Manitoba and Ontario any disease peculiar to an industrial process or occupation may be compensated:

Aero 'otitis' media in any process in which rapid alteration in atmospheric pressure is encountered	) ) )	British Columbia
Anthrax)	
Arsenic poisoning or its sequelae)	
Lead poisoning or its sequelae	)	All provinces
Mercury poisoning or its sequelae)	
Phosphorus poisoning or its sequelae)	
Ammonia poisoning or its sequelae	) )	New Brunswick, Prince Edward Island, Saskatchewan
Ankylostomiasis	) ) )	British Columbia, Manitoba, Newfoundland, Nova Scotia, Ontario, Saskatchewan
Asbestosis	)	British Columbia, Quebec
Asthma and respiratory irritations due to exposure to organic or fibrous dusts, as in handling grain, furs, feathers, cedar, mahogany, wool, rock-wool, asbestos or wood	) ) ) ) ) )	British Columbia
Benzene (benzol) poisoning and poisoning by its homologues, nitro- and amino-derivatives, anilin and others	) ) ) )	Alberta, British Columbia, Manitoba (munition making), Newfoundland, Ontario, Quebec, Saskatchewan
Bovine tuberculosis contracted from handling of animals or from laboratory work	) ) )	Saskatchewan
Brass, zinc or nickel poisoning or its sequelae	) )	Newfoundland, New Brunswick, Ontario, Quebec, Saskatchewan
Bronchitis and pulmonary oedema in any process using oxyacetylene or electric arc for cutting or welding	) ) )	British Columbia

Bursitis (see also Cellulitis)	) Newfoundland, Ontario, Prince) Edward Island, Quebec, Saskatchewan
- acute, elbow	) British Columbia, Newfoundland,) New Brunswick, Nova Scotia
- prepatellar	) British Columbia, New Brunswick
Cadmium poisoning	) Ontario, Quebec, Saskatchewan
Cancer arising from the manufacture, handling or use of pitch or tar	) Newfoundland)
Cancer, epitheliomatous, or ulceration of the skin or cornea due to tar, pitch, bitumen, mineral oil or paraffin, or any compound, product or residue of any such substance	) ) ) Nova Scotia, Ontario, Prince) Edward Island, Saskatchewan)
Carbon bisulphide poisoning or its sequelae	) British Columbia, Newfoundland,) New Brunswick, Ontario, Prince) Edward Island, Saskatchewan
Carbon dioxide poisoning or its sequelae	) Newfoundland, New Brunswick,) Ontario, Saskatchewan
Carbon monoxide poisoning or its sequelae	) British Columbia, Newfoundland,) New Brunswick, Ontario, Quebec,) Saskatchewan
Cellulitis, subcutaneous, hand	) Alberta, British Columbia,) Newfoundland, Nova Scotia
- -, - -, patella	) British Columbia, Newfoundland,) Nova Scotia
Chlorinated hydro-carbons (carbon tetrachloride, trichlorethylene, tetrachlorethane, trichlornaphthalene and others), poisoning by or its sequelae	) ) British Columbia, Ontario,) Quebec, Saskatchewan.))
Chlorine poisoning	) Saskatchewan
Chrome poisoning	) Newfoundland, Ontario, Quebec,) Saskatchewan
Chromium and its compounds, dermatitis in any process using	) British Columbia)
Circulatory disturbances of the extremities in any process involving muscular effort at low temperatures or handling cold materials	) ) British Columbia))

Dermatitis venenata in any process involving use of or contact with acids and alkalis or acids and oils or other irritants capable of causing it	) ) ) ) )	Newfoundland, Nova Scotia, Ontario, Prince Edward Island, Quebec, Saskatchewan
Formaldehyde poisoning	)	British Columbia, Saskatchewan
Frostbite	) ) )	Newfoundland, Nova Scotia, Prince Edward Island, Saskatchewan
Gastric irritation in any process using oxyacetylene gas or electric arc for cutting or welding	) ) )	British Columbia
Glanders	) )	Alberta, New Brunswick, Saskatchewan
Heat exhaustion	)	British Columbia
Infection from handling sugar	)	New Brunswick
Infected blisters from any process involving continuous friction, rubbing or vibration	) ) ) )	British Columbia, Newfoundland, Ontario, Prince Edward Island, Quebec, Saskatchewan
Magnesium and its compounds, dermatitis in any process using	) )	British Columbia
Metal-fume fever in any process involving welding on galvanized material or exposure to the oxides of zinc, manganese, cadmium, chromium or copper	) ) ) ) )	British Columbia
Miners' phthisis	)	Saskatchewan
Newcastle disease contracted from handling of poultry or from laboratory work	) ) )	Saskatchewan
Nickel and its compounds, dermatitis in any process using	) )	British Columbia
Nitrous fumes, poisoning by, or its sequelae	) ) )	British Columbia, Manitoba (munition making), Newfoundland, Ontario, Quebec, Saskatchewan
Petroleum and products, respiratory, gastro-intestinal, nerve and eye disorders due to	) ) )	Saskatchewan

Pneumoconiosis in quarrying, cutting, crushing, grinding or polishing of stone or grinding or polishing of metal	) ) )	Newfoundland, Ontario
Pneumoconiosis in mining; and in quarrying, cutting, crushing, grinding or polishing of stone or grinding or polishing of metal (in Quebec, also in smelting of metal and in potteries)	) ) ) ) ) )	Alberta, Quebec, Saskatchewan
Pneumoconiosis in monument lettering and setting, stone dressing and cutting, sand-blasting, reduction and smelting of ores, manufacture of alabastine, lime and gypsum products, sewer-construction, road-construction, quarrying or tunnelling, grinding or polishing of stone or metal castings, or any process in any foundry or other manufacturing operation where there is exposure to pneumoconiosis- producing dust	) ) ) ) ) ) ) ) ) ) )	British Columbia
Poisoning in any process involving use of a volatile solvent (in assembling or repairing motor-vehicles, or in making paints, paint removers or water-proof fabrics, printing, dry cleaning, welding or gasoline blending - Saskatchewan)	) ) ) ) ) ) )	British Columbia, Saskatchewan
Poisoning in any process where there is exposure to methyl chloride	) )	British Columbia
Poisoning caused by chemicals used in the painting industry	) )	New Brunswick
Pulmonary and respiratory irritation from exposure to vapours, mists or dust	) )	British Columbia
Respiratory disease due to inhalation of materials in non-offset sprays in printing industry	) ) )	Ontario
Rhinitis from contact with allergens or chemical vapours or dust	) )	British Columbia
Seal finger in handling seals or seal products	) )	Newfoundland
Silicosis	) )	New Brunswick, Prince Edward Island
Silicosis in mining	)	Newfoundland, Ontario

Tuberculosis contracted by a workman employed in a hospital, sanitorium or sanitarium to which Part I of the Act applies or in a provincial laboratory	) ) ) )	Ontario
Ulceration of mucous membrane of the throat and nose due to exposure to acid fumes or mist	) ) )	British Columbia
Undulant fever (brucellosis) contracted from handling of animals or carcasses or from laboratory work	) ) )	British Columbia, Prince Edward Island, Saskatchewan
Vascular disturbances in the extremities due to continuous vibration of machines or power tools (in Saskatchewan, upper extremities)	) ) ) )	British Columbia, Saskatchewan
Wood alcohol, poisoning by	) )	British Columbia, Saskatchewan
X-rays, radium or other radio-active substances, any disease due to exposure to	) ) )	Ontario, Quebec (ulceration or malignant disease), Saskatchewan
X-ray, cutaneous, circulatory or blood-cell lesions or endocrine change from X-ray apparatus in industry or operation where X-ray or radium is used in a hospital under the Act	) ) ) ) ) )	British Columbia

Scale of Compensation

The table shows the benefits payable. Periodic payments may be commuted for a lump sum on certain conditions. In all provinces compensation is paid in respect of a foster-mother at the same rate as to a widow with one or more children for as long as payments to the children continue.

1. MONTHLY BENEFITS TO DEPENDANTS IN CASE OF DEATH OF WORKMAN

<u>Funeral</u>	<u>Widow or Invalid Widower</u>	<u>C H I L D R E N</u>		<u>Where only dependants are other than consort & child</u>	<u>Maximum</u>
		<u>With Parent</u>	<u>Orphans</u>		
<u>NEWFOUNDLAND</u>					
\$200 ⁴	\$50 plus sum of \$100	Under 16, \$12 each ¹	Under 16, \$20 each ¹	Sum reasonable and in proportion to pecuniary loss ²	66 2/3% of earnings. Minimum \$50 to consort, \$12 to each child or \$20 to orphan child unless total benefits exceed \$100 ³
<u>PRINCE EDWARD ISLAND</u>					
\$150	\$50 plus sum of \$100	Under 16, \$12.50 each. ¹ Maximum to consort and children, \$100	Under 16, \$25 each. ¹ Maximum \$100	As in Newfoundland. Maximum to parent or parents, \$30. Maximum in all, \$45 ²	
<u>NOVA SCOTIA</u>					
\$200	\$50 plus sum of \$100	Under 16, \$20 each. ¹ Maximum to consort and children, \$130	Under 16, \$30 each. ¹ Maximum \$120	As in Newfoundland. Maximum \$45 each. Maximum in all, \$60 ²	
<u>NEW BRUNSWICK</u>					
\$200 ⁴	\$50 plus sum of \$100	Under 18, if attending school, \$12 each ¹	Under 18, if attending school, \$25 each ¹	As in Newfoundland ²	66 2/3% of \$3,000 per year ³
<u>QUEBEC</u>					
\$200	\$55 plus sum of \$200	Under 18, \$20 each ¹	Under 18, \$30 each ¹	As in Newfoundland ² .	70% of earnings. Minimum \$75 to consort and one child; \$95 if more ³

1. In Alberta, Manitoba, Newfoundland, Nova Scotia, Ontario, Prince Edward Island and Saskatchewan, payments to children may be made up to 18 years if desirable to continue education. In Alberta, Newfoundland, Prince Edward Island and Quebec, payments to invalid children are continued so long as Board considers workman would have contributed to support. In British Columbia, Manitoba, New Brunswick, Nova Scotia, Ontario and Saskatchewan, payments are continued until recovery.
2. In all provinces compensation in these cases is continued only so long as Board considers workman would have contributed to support.
3. For maximum earnings that may be reckoned, see Table 2, Column 5.
4. For transporting body for burial, a maximum of \$125 in Newfoundland and New Brunswick and of \$100 in Alberta, British Columbia and Saskatchewan may be paid. No maximum is specified in Ontario. In Manitoba, the Board may pay transportation expenses within the province and part of expenses if the body is moved into or from the province. In Alberta and British Columbia, only transportation expenses within the province are allowed.

<u>Funeral</u>	<u>Widow or Invalid Widower</u>	<u>C H I L D R E N</u>		<u>Where only dependants are other than consort & child</u>	<u>Maximum</u>
		<u>With Parent</u>	<u>Orphans</u>		
<u>ONTARIO</u>					
\$200 ⁴	\$75 plus sum of \$200	Under 16, \$25 each ¹	Under 16, \$35 each ¹	As in Newfoundland. Maximum \$100 ²	Average earnings. Minimum \$75 to consort, \$25 to each child or \$35 to orphan child un- less total benefits exceed \$150 ³
<u>MANITOBA</u>					
\$200 ⁴	\$50 plus sum of \$100	Under 16, \$20 each ¹	Under 16, \$30 each ¹	As in Newfoundland. Maximum \$30 each. Maximum in all, \$60 ²	70% of earnings. Minimum \$50 to consort; \$70 to consort and one child; \$90 if more ³
<u>SASKATCHEWAN</u>					
\$250 ⁴	\$60 plus sum of \$100	Under 16, \$25 each ¹	Under 16, \$30 each ¹	As in Newfoundland ²	Average earnings. Minimum \$60 to consort; \$85 to con- sort and one child; \$100 if more ³
<u>ALBERTA</u>					
\$200 ⁴	\$50 plus sum of \$100	Under 16, \$25 each ¹	Under 16, \$25 each plus an amount not exceeding \$10 to any child under 18 ¹	As in Newfoundland. Maximum to parent or parents, \$50. Maximum in all, \$85	
<u>BRITISH COLUMBIA</u>					
\$250 ⁴	\$75 plus sum of \$100	Under 16, \$20 each ¹ ; if attending school, \$20 between 16 and 18 years	Under 18, \$30 each ¹ ; \$27.50 if able to attend school be- tween 16 and 18 years and not attending	(a) As in Newfoundland. Maximum \$75 to parent or parents. Maximum in all, \$75 (b) If there is widow or invalid widower or orphans, maximum to parent or parents, \$75 ²	

1. In Manitoba, Alberta, Newfoundland, Nova Scotia, Ontario, Prince Edward Island and Saskatchewan, payments to children may be made up to 18 years if desirable to continue education. In Alberta, Newfoundland, Prince Edward Island and Quebec, payments to invalid children are continued so long as Board considers workman would have contributed to support. In British Columbia, Manitoba, New Brunswick, Nova Scotia, Ontario and Saskatchewan, payments are continued until recovery.
2. In all provinces compensation in these cases is continued only so long as Board considers workman would have contributed to support.
3. For maximum earnings that may be reckoned, See Table 2, Column 5.
4. For transporting body for burial, a maximum of \$125 in Newfoundland and New Brunswick and of \$100 in Alberta, British Columbia and Saskatchewan may be paid. No maximum is specified in Ontario. In Manitoba, the Board may pay transportation expenses within the province and part of expenses if the body is moved into or from the province. In Alberta and British Columbia, only transportation expenses within the province are allowed.

2. BENEFITS IN CASE OF DISABILITY

<u>PERMANENT</u>		<u>TEMPORARY</u>		<u>Maximum Earnings Paid</u>
<u>Total</u>	<u>Partial</u>	<u>Total</u>	<u>Partial</u>	
<u>NEWFOUNDLAND</u>				
66 2/3% of earnings. Minimum \$65 per month or earnings, if less	Proportion of 66 2/3% of earnings based on impaired earning capacity estimated from nature and degree of injury or, if more equitable, 66 2/3% of difference in earnings before and after accident ^{1,2}	66 2/3% of earnings for duration of disability. Minimum \$15 per wk. or earnings, if less	Proportion of 66 2/3% of earnings based on impaired earning capacity estimated from nature and degree of injury or, if more equitable, 66 2/3% of difference in earnings before and after accident, for duration of disability ^{1,2}	\$3,000 per annum
<u>PRINCE EDWARD ISLAND</u>				
75% of earnings. Minimum \$15 per wk. or earnings, if less ³	75% of difference in earnings before and after accident ^{1,2,3}	75% of earnings for duration of disability. Minimum \$15 per wk. or earnings, if less ³	75% of difference in earnings before and after accident for duration of disability ^{1,2,3}	\$2,500 per annum
<u>NOVA SCOTIA</u>				
66 2/3% of earnings. Minimum \$85 per month	66 2/3% of difference in earnings before and after accident. If disability 25% or more, average earnings must be taken as not less than \$18.75 per wk. ¹	66 2/3% of earnings for duration of disability. Minimum \$15 per wk. or earnings, if less	66 2/3% of difference in earnings before and after accident for duration of disability ^{1,2}	\$3,000 per annum
<u>NEW BRUNSWICK</u>				
Average earnings but not in excess of 66 2/3% of \$3,000	Amount determined by Board based on impaired earning capacity	66 2/3% of earnings for duration of disability. Minimum \$15 per wk. or earnings, if less	If earning capacity diminished by more than 10%, 66 2/3% of diminution of earning capacity for duration of disability	\$3,000 per annum
<u>QUEBEC</u>				
70% of earnings. Minimum \$15 per wk. or earnings, if less	70% of difference in earnings before and after accident ^{1,2}	70% of earnings for duration of disability. Minimum \$15 per wk. or earnings, if less	70% of difference in earnings before and after accident for duration of disability ^{1,2}	\$4,000 per annum

1. If earning capacity is diminished 10% or less, a lump sum may be given.
2. The minimum payable in case of partial disability is the same proportion of the minimum for total disability (see preceding column) as impairment is of full earning capacity.
3. The Board may fix compensation on basis of \$15 per week, even though average earnings are less than \$15.

<u>PERMANENT</u>		<u>TEMPORARY</u>		<u>Maximum Earnings Reckoned</u>
<u>Total</u>	<u>Partial</u>	<u>Total</u>	<u>Partial</u>	
<u>ONTARIO</u>				
75% of earnings. Minimum \$100 per month or earnings, if less	Proportion of 75% of earnings based on impaired earning capacity estimated from nature and degree of injury or, if more equitable, 75% of difference in earnings before and after accident ^{1,2}	75% of earnings for duration of dis- ability. Minimum \$15 per wk. or earnings, if less	75% of difference in earnings before and after accident for duration of disability ^{1,2}	\$4,000 per annum
<u>MANITOBA</u>				
70% of earnings. Minimum \$15 per wk. or earnings, if less	70% of difference in earnings before and after accident ¹	70% of earnings for duration of dis- ability. Minimum \$15 per wk. or earnings, if less	70% of difference in earnings before and after accident for duration of disability ¹	\$3,000 per annum
<u>SASKATCHEWAN</u>				
75% of earnings. ³ Minimum \$20 per wk.	Proportion of 75% of earnings based on impaired earning capacity estimated from nature and degree of injury or, if more equitable, 75% of difference in earnings before and after accident ^{1,2}	75% of earnings for duration of dis- ability. Minimum \$15 per wk. or earnings, if less	Proportion of 75% of earnings based on impaired earning capacity estimated from nature and degree of injury or, if more equitable, 75% of difference in earnings before and after accident for duration of dis- ability ^{1,2}	\$4,000 per annum

1. If earning capacity is diminished 10% or less, a lump sum may be given.
2. The minimum payable in case of partial disability is the same proportion of the minimum for total disability (see preceding column) as impairment is of full earning capacity.
3. Where compensation to workman with dependants would be less than \$1,200 a year, the Board may increase compensation in respect of dependants by specified monthly amounts. In such cases, total amount payable may not exceed \$1,200 a year.

PERMANENT

<u>Total</u>	<u>Partial</u>
75% of earnings. Minimum \$25 per wk. or earnings, if less	Proportion of 75% of earnings based on impaired earning capacity estimated from nature and degree of injury ¹

75% of earnings. Minimum \$15 per wk. or earnings, if less	Proportion of 75% of earnings based on impaired earning capacity estimated from nature and degree of injury or, if more equitable, 75% of difference in earnings before and after accident
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TEMPORARY

<u>Total</u>	<u>Partial</u>
<u>ALBERTA</u>	
75% of earnings for duration of disability. Minimum \$25 per wk. or earnings, if less	Proportion of 75% of earnings based on impaired earn- ing capacity estimated from nature and degree of injury for duration of disability

BRITISH COLUMBIA

75% of earnings for duration of disability. Minimum \$15 per wk. or earnings, if less	75% of difference in earnings before and after accident for duration of disability
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Maximum
Earnings
Reckoned

\$3,000 per
annum

\$4,000 per
annum

1. If earning capacity is diminished 10% or less, a lump sum may be given.

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WORKMEN'S COMPENSATION
IN CANADA

A COMPARISON OF PROVINCIAL LAWS

1955



DEPARTMENT OF LABOUR OF CANADA
LEGISLATION BRANCH

HON. MILTON F. GREGG
MINISTER

A. H. BROWN
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C O N T E N T S

	<u>Page</u>
Introduction	1
Changes in 1955	2
Individual Liability	6
Federal Government Employees	8
Blind Workmen	9
Workmen's Compensation Boards	9
Cost of Administration	10
Scope of Laws	11
Farm Labourers and Domestic Servants	13
Clerical and Casual Workers and Outworkers	14
Seamen	14
Risks Covered	15
Occupational Diseases	16
Waiting Period	16
Medical Aid	17
First Aid	20
Rehabilitation	20
Accidents Occurring Outside the Province	20
Non-resident Workmen and Dependants	23
Security for Payment of Compensation	24
Accident Prevention	24
International Labour Conventions and Recommendations	26
Occupational Diseases Compensated by Provinces	30
Scale of Compensation	37

WORKMEN'S COMPENSATION IN CANADA

A Comparison of Provincial Laws in December, 1955.

Introduction

Each of the ten Canadian provinces has a Workmen's Compensation Act which provides that, in any industry to which the Act or the main part of it applies, workers who sustain personal injury by accident arising out of and in the course of their employment or who are disabled by specified industrial diseases are entitled to compensation. The only exceptions are: (1) where the workman is disabled for less than a stated number of days (see "Waiting Period" p.16); or (2) where the injury is attributable solely to his serious and wilful misconduct and does not result in death or serious disablement.

All of these Acts are of the "collective liability" type, that is, compensation is payable by employers collectively, the industries covered by the Act being divided into groups and the employers in each group being collectively liable for the payment of compensation to the workmen employed in the industries in that group.

Employers are required to contribute to what is known as the Accident Fund, and compensation and medical aid to injured workmen are paid by the Workmen's Compensation Board out of the Fund. No contributions from employees, either directly or indirectly, are permitted.

Industries are classified according to their hazard and each class is liable for the cost of accidents occurring in that class although for the purpose of compensation the Accident Fund is one. At the beginning of each year an employer is required to send to the Board a statement of the amount of the wages paid by him during the preceding year and an estimate of his payroll for the current year. The Board fixes a provisional contribution rate, a percentage of payroll, for each class which will produce sufficient funds to meet all claims payable during the year. Assessment is made at the provisional rate on the estimated payroll. At the end of the year the assessment is adjusted according to the actual payroll and to the accident experience of the group or class. If necessary, the provisional rate is altered to meet the requirements of the year.

The right to compensation is not affected by the employer's neglect or refusal to furnish information or to pay his assessment or by his insolvency. The compensation to which a workman is entitled under the Act takes the place of his right of action, and he may not sue his employer in court for damages for an injury received in the course of employment.

All claims for compensation are received and adjudicated by the Workmen's Compensation Board whose decision is final.

Benefits under the Acts include fixed monthly payments to dependants in case of the death of the workman, periodic payments to the workman for disability in two provinces based on 2/3 of average earnings, in two on 70% of earnings and in six on 75% of earnings), medical aid and rehabilitation. In addition to monthly benefits, a widow receives a lump sum payment and an allowance for funeral expenses.

In all provinces but Prince Edward Island this compulsory state system of collective liability replaced a system of individual liability on the part of the employer as provided for in earlier statutes, but an individual liability Act is still in force to some extent in Saskatchewan. The collective liability system of state insurance was adopted in Ontario in 1914 following a comprehensive report on employers' liability for accidents by a special commissioner appointed to inquire into the subject. Nova Scotia followed Ontario's example with variations in some points in 1915, British Columbia in 1916, Manitoba in 1916 in respect to collective liability but not state insurance until 1920, Alberta and New Brunswick in 1918, Saskatchewan in 1929 and Quebec in 1931. Prince Edward Island passed its first Workmen's Compensation Act in 1949. In 1950 Newfoundland enacted a collective liability statute which went into effect on April 1, 1951. While the Acts vary from province to province in some particulars, the main principles are the same, all the Acts having been modelled on the Ontario statute. Amendments are made from time to time and there is an increasing tendency towards uniformity.

In some provinces, it is the practice to have a periodic review of the operation of the Workmen's Compensation Act, and employers and employees are given an opportunity to make representations. During 1952 and 1953 a special committee of the Manitoba Legislature made an inquiry into the Manitoba Act and in 1955 the Standing Industrial Relations Committee of the Legislature was authorized to make a study of the Act. In Saskatchewan, the Act requires a committee equally representative of employers and organized employees to be appointed by the Lieutenant-Governor in Council every four years and a committee reviewed the Act in 1954. The Alberta Act is usually reviewed every five years. A special committee of the Legislature was established for this purpose in 1955. In recent years Royal Commissions have been appointed to inquire into the operation of the Ontario and British Columbia Acts. The reports of Mr. Justice Roach in Ontario and of Chief Justice Sloan in British Columbia were made in 1950 and 1952, respectively.

Only the main points of the legislation are covered in this analysis. The scale of benefits and the occupational diseases which are compensated are set out in tables at the end of the bulletin. A summary of the provisions of the Conventions and Recommendations of the International Labour Conference on workmen's compensation permits a comparison between I.L.O. standards and the provincial statutes.

Changes in 1955

In 1955 the Parliament of Canada amended the Government Employees Compensation Act (see p. 8) and the Workmen's Compensation Acts of seven provinces were amended. The provincial Acts which were amended were those of British Columbia, Manitoba, New Brunswick, Ontario, Prince Edward Island, Quebec and Saskatchewan. Benefits were increased in British Columbia, Prince Edward Island and Saskatchewan; the Manitoba and Ontario amendments widened the groups eligible for current widows' and children's pensions. The percentage rate of earnings taken in computing compensation was raised in New Brunswick from 66-2/3 to 70, and in Quebec from 70 to 75, both effective from January 1, 1956. The ceiling on annual earnings was increased in Prince Edward Island from \$2,500 to \$2,700, effective from January 1, 1956. In British Columbia and Saskatchewan, the amount fixed as the minimum payment for total disability was raised to \$25 a week.

British Columbia

In British Columbia, the allowance payable to a child under 16 in the care of one remaining parent, and continued to the age of 18 if the child is regularly attending school, was increased from \$20 to \$25 a month. The increase was made applicable to all children receiving compensation on April 1, 1955, regardless of the date of the accident.

The minimum compensation payable for total disability, formerly \$15 a week or earnings, if less, was increased to \$25 a week or earnings, if less.

Another amendment had to do with the increased pensions awarded on January 1, 1955, to workmen who were injured before March 18, 1943. An amendment in 1954 provided that pensions were to be re-calculated by the Board based on a compensation rate of $66\frac{2}{3}$ per cent and on actual average earnings at the time of the accident, the latter not to be less than \$2,000 and not more than \$2,500 a year. An amendment in 1955 made the same increases applicable to any periodical payments of compensation awarded after January 1, 1955, for injuries sustained by workmen before March 18, 1943.

The coverage of the Act was further widened by the addition of greenhouse operations, licensed public houses or lounges and small hotels. All hotels now come under the Act. Formerly, only hotels with ten or more bedrooms were covered.

By a further amendment, provision was made for the reference of a contested medical issue to one specialist instead of two, and time limits were laid down for the procedure.

Under the new provisions, a workman who requests a further examination and who submits a doctor's certificate stating that there is a bona fide medical dispute to be resolved is permitted to nominate the specialist to whom his case is to be referred from a list of qualified specialists furnished to him by the Board.

The workman has 18 days in which to make the nomination and the Board must appoint the specialist within a further 18 days. Within 18 days after his appointment the specialist, who has the powers of a Commissioner under the Public Inquiries Act, must examine the workman and report to the Board. Within 18 days of the receipt of the specialist's certificate, which is conclusive as to the matters certified, the Board is to review the claim and notify the workman in writing of its decision. The costs of the examination are payable out of the Accident Fund.

Manitoba

In Manitoba, it was provided that, from April 1, 1955, children under 16 who were receiving compensation according to earlier scales of benefits should be granted sufficient additional compensation to bring their monthly payments up to the current \$20 a month or \$30 for orphans. Payment of the additional compensation is to continue indefinitely for invalid children and

to the age of 18 in cases where the Board extends the period of payment to enable a child to obtain further education. Allowances to children dependants were raised in 1953 but the increases were applicable only in respect to accidents happening after the passing of the legislation. The amendment brings all children's allowances up to the same level, as was done with widows' pensions in 1953.

New Brunswick

In New Brunswick, the percentage rate of earnings used in calculating compensation was raised from 66-2/3 to 70, effective from January 1, 1956.

An "accident" under the Act is now defined as an unlooked for mishap or untoward event which is not expected or designed, and includes an accident caused by lightning, frost bite or infection from blistered hands.

By a third amendment, home economics, shop and industrial teachers, maintenance employees, caretakers and bus operators employed by school boards or vocational committees were brought under the Act.

A further new section, to be proclaimed in force, authorizes the Board to bring farm workmen under Part I (the collective liability system) on the application of the employer.

Ontario

In Ontario, an amendment widened the group eligible for the current widows' and children's benefits (\$75 a month to a widow, \$25 for each child and \$35 for an orphan) by providing that they are to be paid where the death of a workman occurred on or after April 2, 1953, regardless of when the accident which resulted in death happened. The present rates of benefits, which were provided for in 1953, were at that time declared to apply only where the accident happened on or after April 2, 1953.

Prince Edward Island

The Prince Edward Island Act was amended, increasing the amount allowed for funeral expenses from \$150 to \$200, the allowance for each child under 16 from \$12.50 to \$15 a month, and the maximum amounts payable to other dependants when there is no widow or children. The latter were increased from \$30 to \$40 a month to a parent or parents and from \$45 to \$60 a month to all such dependants.

A further change was that the maximum annual earnings on which compensation is based were increased from \$2,500 to \$2,700, effective from January 1, 1956.

Quebec

In Quebec, at the 1954-55 session of the Legislature increased benefits to widows and children and an increase from \$3,000 to \$4,000 in the maximum yearly earnings on which compensation is based were provided for. These amendments were effective from January 1, 1955. Widows and children entitled to or receiving compensation on that date were made eligible for the increased benefits.

At the 1955-56 session the Act was again amended to increase the percentage rate of earnings taken in computing compensation from 70 to 75 and to make other changes. With this amendment, effective from January 1, 1956, compensation in Quebec will be based on 75 per cent of average earnings, with a maximum of \$4,000 a year as in three other provinces, British Columbia, Ontario and Saskatchewan.

In addition to the maximum of \$200 allowed for funeral expenses, the amending Act authorizes payment of expenses not exceeding \$150 for transporting the workman's body when the Workmen's Compensation Commission considers the expenditure justified by reason of the distance between the place of death and the place of burial.

It was provided also that compensation to an invalid child is to be paid as long as the child remains an invalid. The former provision was that compensation was to continue as long as, in the opinion of the Commission, the workman might reasonably have been expected to contribute to the child's support.

A further amendment reduced the length of the waiting period from seven to five days. Henceforth, to be eligible for compensation from the date of the accident a worker must be disabled for five days or more.

The amendments are effective from January 1, 1956, and apply only to accidents which occur after that date.

Saskatchewan

In a general revision of the Saskatchewan Workmen's Compensation (Accident Fund) Act, the benefits payable to a widow and to orphan children were raised, the allowance to a widow from \$60 to \$75 a month and the orphan's allowance from \$30 to \$35 a month. Further, the former limit of \$100 on the amount allowed for transporting the workman's body for burial, where death occurs away from his usual place of residence, was removed and the Board was given authority to pay whatever necessary expenses are involved.

The total monthly compensation to dependants in death cases is not, as before, to exceed the workman's average monthly earnings but low earnings may not reduce the compensation below certain minimum amounts. These minimum amounts were increased to \$75 where the widow is the only dependant; to \$100, where the dependants are a widow and one child; and to \$115, where the dependants are a widow and two children, with \$10 for each additional child. The former minimum amounts were \$60, \$85 and \$100.

A further change was that the minimum payment for permanent total disability was increased from \$20 to \$25 a week and the minimum payment for temporary total disability from \$15 a week or earnings, if less, to \$25 a week or earnings, if less.

The changes in the Act became effective on July 1, 1955, and increases were made applicable to all compensation payments accruing after that date, regardless of when the accident occurred.

Individual Liability

A Saskatchewan Act of 1911, under which the employer was individually liable and might insure his risk in a private insurance company, was superseded with respect to most industrial workers by the statute providing for collective liability but the earlier law remains in effect with respect to certain railway workers. The Workmen's Compensation (Accident Fund) Act does not apply to persons employed in train service but members of the unions in which these workers are organized may be brought within its scope if a majority vote to come under the Act. Since 1948 the Brotherhood of Locomotive Firemen and Enginemen, the Brotherhood of Railroad Signalmen, the Brotherhood of Locomotive Engineers, the Brotherhood of Railroad Trainmen and the Brotherhood of Maintenance of Way Employees have been brought under the Workmen's Compensation (Accident Fund) Act.

In this analysis the expression "Workman's Compensation Act" when used with respect to Saskatchewan refers only to the later collective liability statute.

In Nova Scotia, Part III of the Act provides that compensation for accidents to persons employed in fishing or dredging shall be paid by the employer, who is required to insure to the extent of his liability with an insurance company. Compensation in these industries does not include medical aid or burial expenses but in other respects is on the same scale as in other industries. Payment, however, is enforced by an action in the courts and the Workmen's Compensation Board is not concerned with it.

Masters and members of the crews of fishing vessels in Newfoundland retain the protection of the 1948 individual liability Workmen's Compensation Act which was repealed in 1951 except with respect to its application to fishermen.

In Ontario and Quebec, public authorities and certain corporations such as railways, shipping, telephone and telegraph companies are themselves liable to pay compensation and provide medical aid for the workmen in their employ but the amount and all other questions are determined by the Workmen's Compensation Board as in the case of accidents for which compensation is paid from the Accident Fund. Such corporations contribute their proportion of the cost of administering the Act as do also the federal and provincial Governments. The individual liability of these public bodies and corporations is to be sharply distinguished from that of the railway companies under the earlier statute in Saskatchewan and from that provided for in Part II of the Act of certain provinces.

In British Columbia, Manitoba, Newfoundland, New Brunswick, Ontario and Prince Edward Island, the Workmen's Compensation Act is divided into two Parts. In Nova Scotia, as indicated above, there are three Parts. Part II of these seven statutes applies to industries to which Part I, providing for a provincial system of collective liability, does not apply. It is stipulated in Part II that a worker in an industry which is not under Part I of the Act, that is, not within the system of collective liability or of personal liability in the case of certain large employers in Ontario as administered by the Workmen's Compensation Board, has right of action against his employer for injury sustained in an accident caused by any defect in the machinery or plant of the employer or caused by his negligence or that of any persons employed by him. The fact that the worker continued in the employment with the knowledge of any defect or negligence is not a bar to the recovery of damages. Negligence on the workman's part may be a factor in determining the amount of damages. Thus, the workers in industries outside the workmen's compensation scheme, under which all accidents occurring to workmen within the scope of the scheme and arising in the course of employment are compensated without recourse to the law courts, are protected in some measure by the adoption of these principles which distinguish employer's liability from workmen's compensation and from the common law.

Ordinances of the Yukon and Northwest Territories make the employer individually liable to pay compensation and require him to carry accident insurance for his workmen in an approved company unless he has made other arrangements satisfactory to the Commissioner of the Territory.

Under both Ordinances the scale of compensation payable is the same as that payable under the Alberta Act and the Alberta Workmen's Compensation Board acts as Referee to determine disputed claims. Claims for permanent disability are referred by the Commissioner to the Referee for determination. Claims for temporary disability are settled by the insurer. If an employee is dissatisfied with the disposition of his claim, however, he may apply to the Commissioner to have his claim reviewed by the Referee.

The provisions of the Ordinances with respect to coverage, compensable industrial diseases, etc., are substantially the same as those of the Alberta Act. Both Ordinances provide that, where a workman is off work for six days or less, he receives medical aid but no compensation for the first three days of his disability. Only if a disability lasts for more than six days may a workman recover compensation from the date of the accident.

A widow receives a lump sum of \$100 and \$50 a month until death or re-marriage, together with \$25 a month for each child up to 16 years of age. Benefits to other dependants are the same as those set out in the Alberta Act.

A workman who is permanently and totally disabled is entitled to receive a life pension equal to 75% of his average weekly earnings. In any case he may not receive less than \$25 a week or his full earnings, if less than \$25. In computing average earnings, \$3,000 a year is the maximum amount taken into account.

In addition to compensation payments, the injured workman is entitled to medical aid, the cost of which is borne by the employer.

A federal individual liability statute, the Merchant Seamen Compensation Act, 1946, covers seamen who are not within the scope of a provincial workmen's compensation Act. This Act is described on page 14.

Federal Government Employees

The Government Employees Compensation Act, which was first enacted in 1918, provides for the payment to a federal Government employee of compensation, medical and hospital expenses and other benefits for disablement from accident or industrial disease arising out of his employment at the same rate and under the same conditions as are provided for workmen employed by private employers under the Workmen's Compensation Act of the province in which he is usually employed. The provincial Workmen's Compensation Board acts as the administrative authority in determining compensation, and payment of compensation, including administrative costs, is made by the federal Government.

Under this statute, federal Government employees are eligible for compensation for accidents arising out of and in the course of their employment, whether or not persons in that class of employment would be eligible under the provincial Act concerned. An employee who is disabled by a disease which is due to the nature of his employment and peculiar to or characteristic of the particular process, trade or occupation in which he has been employed is entitled to compensation whether or not the disease is recognized as an industrial disease under the law of the province in which he is usually employed.

In 1955 the Act was amended to make certain administrative changes. One of the changes made is that compensation is now to be paid in accordance with the Workmen's Compensation Act of the province "where the employee is usually employed" instead of, as under the earlier wording of the Act, in accordance with the law of the province in which the accident occurred or the industrial disease was contracted.

An employee who is usually employed in the Yukon Territory or the Northwest Territories is for the purposes of the Act considered to be usually employed in the province of Alberta and an employee whose usual place of employment is outside Canada, other than a person locally engaged outside Canada, is considered to be usually employed in the province of Ontario.

Provision was made for the inclusion within the definition of "employee" of persons who are not paid a direct wage or salary but who are otherwise employees of Her Majesty. Previous to the amendment, only persons paid a direct wage or salary by the Crown were covered.

The officers and employees of a number of Crown companies, boards or agencies have been declared to be "employees" for the purposes of the Act. These include, among others, Central Mortgage and Housing Corporation, the Canadian Broadcasting Corporation, Canadian Arsenal Limited, Atomic Energy of Canada Limited, Polymer Corporation Limited, Canadian Overseas Telecommunication Corporation, Canadian Commercial Corporation and the National Harbours Board.

By a further amendment, the Minister of Labour was given authority to promote accident prevention activities and safety programmes in the public service of Canada.

Blind Workmen

In Alberta, Newfoundland, New Brunswick, Nova Scotia, Ontario and Saskatchewan, there are special statutes, and in Quebec there are special provisions in the Workmen's Compensation Act, dealing with compensation for blind workmen. In all these provinces, where compensation for an accident to a blind workman exceeds \$50, the Workmen's Compensation Board, or the employer if he is individually liable, is to be reimbursed from the Consolidated Revenue Fund of the province, in Ontario for the full amount of such compensation, and in the other six provinces for the amount in excess of \$50, provided that at the time of the accident the workman was employed with the approval of an institute for the blind recognized by the Government of the province for that purpose.

Workmen's Compensation Boards

Each Workmen's Compensation Act is administered by a board of three members, five in Quebec, called the Workmen's Compensation Board, or in Quebec, Workmen's Compensation Commission, who are appointed by the Lieutenant-Governor in Council. In Manitoba and Saskatchewan, only the chairman is required to devote his full time to the work. In Alberta, British Columbia, Newfoundland, Ontario and Quebec, all members must devote the whole of their time to their duties under the Act and engage in no other employment.

No limit is set on the tenure of office of members of the Workmen's Compensation Boards except with respect to the chairman of the Saskatchewan Board whose term is limited to ten years, and the two members of the Manitoba Board other than the chairman who are appointed for a five-year term. In these cases members are eligible for reappointment. The New Brunswick statute does not refer to the tenure of office of members of the Board. In Manitoba, Nova Scotia, Ontario and Prince Edward Island, Board members must retire at the age of 75, unless otherwise directed by the Lieutenant-Governor in Council. In Alberta, British Columbia and Newfoundland, they must retire on reaching the age of 70.

The industries within the scope of each Act except that of Newfoundland, New Brunswick and Prince Edward Island were classified by the Act according to accident hazard but, as a result of amendments in Nova Scotia and Ontario, classes formerly set out in the Act are now included in regulations of the Board. Subject in certain provinces to the approval of the Lieutenant-Governor in Council, the Board may add to the classes or subdivide or rearrange them and may also add industries to or withdraw industries from such classes. The Newfoundland, New Brunswick and Prince Edward Island statutes provided that the classification of industries should be made in the first instance by the Board. The Boards have authority to fix assessment rates appropriate to each class with preferential or merit rating in favour of industries with good accident records. They may collect assessments, determine the right to compensation and pay the amount due to workmen or dependants. The provincial Accident Fund must be so maintained as to be sufficient to meet all claims as they arise. In all these matters, the Boards of Alberta, British Columbia, Manitoba, Newfoundland, Ontario, Quebec and Saskatchewan have exclusive and final jurisdiction but the New Brunswick, Nova Scotia and Prince Edward Island Acts allow appeals to the Supreme Court of the province, with permission of a judge of that Court, upon questions of law or jurisdiction.

In case of dispute as to the payment of any assessment or other sum or of failure to pay such sums, any Board may file an order for payment with the clerk of the court specified in the Act, whereupon as an order of the court, it may be enforced like any other judgment.

Cost of Administration

In each provincial Act except that of New Brunswick it is stipulated that the salaries of Board members and the costs of administration are to be borne by the Accident Fund. In New Brunswick, the Act provides that the salaries of Board members and other costs of administration are to be paid from the Consolidated Revenue Fund, unless the Lieutenant-Governor in Council orders payment of any portion from the Accident Fund. In most provinces a grant was made by the Government in the early years of operation to assist in organizing the work and meeting initial expenses. The Prince Edward Island Act authorizes an annual grant not exceeding \$10,000 from the Provincial Treasury, and such a grant was given in the first year of operation. The Newfoundland Act provides that an annual contribution from moneys voted by the Legislature may be made towards the expenses of administration of the Act, and any sum so paid, not to exceed \$25,000, must be repaid to the Minister of Finance at his request. In British Columbia, Manitoba, Ontario and Quebec, an annual grant may be made from the Consolidated Revenue Fund to assist in defraying expenses but in none of these provinces is any financial assistance now given. Where, however, the Board is charged with other duties, the expenses in connection with them are paid by the province.

In proportion to the accidents to their own employees, however, the federal and provincial Governments contribute, like other employers who are individually liable, to the cost of administration.

In all provinces, the remuneration of Board members is determined by the Lieutenant-Governor in Council. In addition to the salary thus provided for, the Manitoba Act enables the Lieutenant-Governor in Council to authorize the payment to a Board member giving part-time service of an allowance of \$15 for each meeting of the Board in excess of fifty which he attends in any year.

Scope of Laws

The provincial Workmen's Compensation Acts vary in scope but, in general they all cover employment, whether by way of manual labour or otherwise, in connection with or incidental to industrial undertakings, including lumbering, mining, quarrying, fishing, manufacturing, printing, engineering and construction, plumbing, painting, decorating and renovating, transport of passengers or freight by rail or water and transport of goods by road, operation of electric power lines, telegraph and telephone systems, waterworks and other public utilities, navigation and operation of boats, tugs and dredges, power laundries, bakeries, dairies, grain elevators, refrigeration plants or warehouses, freight or passenger elevators, lumber, wood and coal yards, scavenging and window-cleaning, dyeing and cleaning.

Theatres and places where moving-pictures are exhibited, automobile repair shops and service stations are within the scope of the Act in all provinces. Shops are covered in Alberta, British Columbia, Newfoundland, New Brunswick, Nova Scotia, Prince Edward Island and Saskatchewan; hotels in Alberta, British Columbia, Newfoundland, New Brunswick, Nova Scotia, Ontario, Prince Edward Island and Saskatchewan; and restaurants in Alberta, British Columbia, Newfoundland, Nova Scotia, Ontario, Prince Edward Island and Saskatchewan. Hospitals are within the scope of the British Columbia, Newfoundland, New Brunswick, Ontario and Saskatchewan Acts; nursing homes are covered in British Columbia and Saskatchewan. Radio broadcasting stations are included in Alberta, British Columbia, Newfoundland, New Brunswick, Nova Scotia, and Prince Edward Island. The operation of an office building or a building rented for manufacturing is under the Ontario Act, and the maintenance or operation of commercial or apartment buildings is under the British Columbia, Newfoundland and Saskatchewan Acts. Janitors and caretakers are covered in Newfoundland, New Brunswick and Prince Edward Island. Transport by air is expressly included in Alberta, British Columbia, New Brunswick, Ontario and Prince Edward Island. In Manitoba, it is included when carried on by certain subsidiaries of the Canadian Pacific Railway Company. In New Brunswick, however, the industry is only included if 200 workers are employed, and in Prince Edward Island, if 100 workers are employed. Transport by bus is included in all provinces but Nova Scotia and Quebec.

In British Columbia, employers in practically all industries with the exception of farming are required to protect their workmen under the Act. Among the industries and occupations now covered are wholesaling, ice-harvesting, marine salvage, messenger or delivery service, funeral undertaking, blacksmithing, the non-industrial construction of buildings having a value of \$2,500 or more, and the operation of such places as golf courses, parks, horse-race courses, ice and roller-rinks, bowling-alleys and billiard-parlours, dance-halls, steam baths and beer-parlours.

There are other variations with respect to miscellaneous industries or occupations. The scope of the Acts is affected, too, through the power given in all provinces but Alberta and British Columbia to exclude small establishments. Some undertakings have been excluded unless more than a specified number are employed.

Municipal corporations and boards are deemed to be employers under all the Acts. As regards provincial Government employees, only those engaged in industries which are under the Act when carried on by a private employer are covered in some provinces, e.g., British Columbia, Manitoba and Quebec. In other provinces, e.g., Alberta, New Brunswick, Ontario and Saskatchewan, all employees of the provincial Government are protected.

In every province, certain classes of workers are declared not to be within the scope of the collective liability system or of personal liability as provided for in Ontario and Quebec. Power is given to the Boards, however, to include industries or workmen not within its scope in the first instance on certain conditions. In all provinces, an industry may be brought under the Act by the Board on application of the employer. Workmen, otherwise excluded, may be declared by the Board to be within the statute in British Columbia, Manitoba, Newfoundland, New Brunswick, Nova Scotia, Prince Edward Island and Saskatchewan if the employer applies for such action. In British Columbia, industries may be admitted by the Board on application of the workmen. In Alberta, any establishment or industry may be admitted on the application of the workmen but with respect to particular classes of workers, as indicated below, only if the employer consents. Of its own motion, the Board may bring industries within the Act in Alberta, British Columbia, Manitoba, Nova Scotia, Ontario and Quebec. In Newfoundland, New Brunswick and Saskatchewan, this may be done by the Lieutenant-Governor in Council on recommendation of the Board.

On the other hand, the Board in every province but British Columbia has power to exclude any industry from the Act or, in the case of Manitoba, Newfoundland, New Brunswick, Nova Scotia and Ontario, from Part I. In Ontario, Quebec and Saskatchewan, such exclusion must be approved by the Lieutenant-Governor in Council. In Alberta, Newfoundland and Ontario, the Board may exclude any particular trade or occupation from an industry under the Act.

As indicated above, undertakings in which not more than a stated number of workmen are usually employed may be excluded by order of the Board in all the provinces except Alberta and British Columbia. The Manitoba Board has not exercised its power to exclude small industries while, on the other hand, the Nova Scotia Board has excluded all industries employing less than five persons,

and in Newfoundland and Prince Edward Island, all those employing less than three persons are excluded. In Newfoundland, New Brunswick, Prince Edward Island, Quebec and Saskatchewan, regulations exclude specific industries unless a stated number of workmen are usually employed. Similar regulations in Ontario were repealed, effective from January 1, 1953. In Newfoundland, New Brunswick, Nova Scotia and Prince Edward Island, such undertakings may be readmitted by the Board, while in Manitoba and Ontario, if an employer or workman in an undertaking so excluded notifies the Board that he wishes to be included, the undertaking must be admitted. In Quebec, only by notification by the employer is the Board required to include the undertaking in the collective liability scheme. In Saskatchewan, application by employer or workman in these cases must be approved by the Board.

Farm Labourers and Domestic Servants

Certain classes of workers, although they are expressly excluded by some of the Acts may, on certain conditions, be admitted. Among these are farm labourers, domestic servants, clerical and casual workers and outworkers.

In Manitoba, Newfoundland and Ontario, the collective liability system is declared not to apply to farm labourers or to domestic servants but the Acts expressly state that either group in Manitoba and Newfoundland and "the industry of farming" in Ontario may be brought under Part I on the employer's application. In Quebec, the industry of farming and domestic service are excluded and there is no provision for coverage by application. In New Brunswick, by a 1955 amendment which will be proclaimed in force, provision was made for persons employed as farm workmen to be brought under Part I on the application of the employer.

The provisions in the Nova Scotia, Prince Edward Island and Saskatchewan Acts are similar. Farm labourers and domestic servants, or in Saskatchewan the industry of farming, ranching and domestic servants, are specifically excluded, along with certain other groups, but such exclusions are subject to a succeeding section of the Act which provides that an industry or workman not within the scope of the collective liability system may, on the application of the employer, be admitted. In Saskatchewan, the exclusions are also subject to a further provision which permits an industry not within the scope of the Act to be brought under the Act by the Lieutenant-Governor in Council on the recommendation of the Board.

The Alberta Act applies only to specified industries and domestic service is not mentioned. As to farm workers, the statute provides that the industry of farming or ranching may be included by the Board on the application of the employer or of a majority of the employees with the employer's consent.

Farming is not among the industries specified in the British Columbia statute but, under the Board's general power to declare industries or undertakings within the Act on the application of either employer or workman, farm labourers may be brought within it. As a result of a 1954 amendment, domestic servants may apply for coverage under the elective provisions of the Act.

Hence, in all provinces, except to a limited extent, farm labourers and domestic servants, or their dependants, have recourse only to an action at common law for damages for accidents arising out of employment.

Clerical and Casual Workers and Outworkers

In Manitoba, clerical workers who are employed in industries which are under the Act and who are not exposed to the hazards of the industry are excluded from Part I but they may be brought within the Act on the application of the employer; in the other provinces, clerical workers are eligible for compensation.

Casual workers, employed otherwise than for the purpose of the employer's business, and outworkers or persons to whom work is given to be done at home, are outside the scope of the collective liability system in all provinces. In British Columbia, Newfoundland, New Brunswick, Nova Scotia, Prince Edward Island and Saskatchewan, these two classes may be brought within the scope of the Act under the conditions outlined above (see p.12). In Alberta, casual workers may be brought under the Act on application of the employer or of the majority of the workmen if the employer consents, but outworkers are declared outside the Act.

Seamen

The Merchant Seamen Compensation Act, 1946, applies to seamen, excluding pilots, apprenticed pilots and fishermen, on ships registered in Canada or chartered by demise to a resident of Canada or to a person whose principal place of business is in Canada provided that the ship is engaged in trading on a "foreign" voyage or on a "home-trade" voyage as these voyages are defined in the Canada Shipping Act. The Act may be applied by the Governor in Council to seamen hired in Canada and employed on a ship registered out of Canada but operated by a resident of Canada or a person having his principal place of business in Canada.

Under this Act, the employer of a seaman injured by reason of an accident arising out of and in the course of his employment is required to pay compensation in accordance with the scale set out in the Act, and to cover his risk by insurance or other means satisfactory to the Merchant Seamen Compensation Board. Payment is made by the employer direct. No compensation is payable where a seaman or his dependants are eligible for compensation under a provincial workmen's compensation law or under the Government Employees Compensation Act.

Benefits under the Act, as amended in 1953, include, in a fatal case, \$50 monthly to a widow, with \$15 for each child under 18 years, or \$25 for each orphan child, together with a maximum of \$200 for burial expenses if they are not borne by the employer in accordance with the Canada Shipping Act, and not more than \$125 for transportation and other expenses incurred in transferring the body to the place of interment. In case of total disablement, the seaman is entitled to two-thirds of his average earnings and for partial disablement, two-thirds of the difference between his average earnings before and after the accident.

In calculating compensation for disability, not more than \$3,600 annual earnings may be taken into account. Compensation is payable from the date of disability if the injury disables the seaman for four days or more. Medical aid is payable from the date of the injury.

Seamen are within the scope of the Alberta, British Columbia, Manitoba, Newfoundland, New Brunswick, Ontario, Prince Edward Island and Quebec Acts but in some provinces they have been excluded by regulation and in such cases may file claims for compensation under the federal Act. Most claims under the federal Act come from the four Maritime Provinces.

During the period for which duty is payable to the Sick Mariners' Fund under the Canada Shipping Act, and seamen are, therefore, eligible for medical aid under specified conditions, the British Columbia, Newfoundland, New Brunswick and Prince Edward Island Acts stipulate that medical aid is not payable under their provisions. In British Columbia, however, seamen are eligible under the Workmen's Compensation Act for any additional medical aid not furnished under the Canada Shipping Act, and, by a 1954 amendment, the Board was given discretionary power to pay the medical costs of a seaman when, for reasons beyond his control, he cannot be furnished prompt, necessary or emergent medical care under the Canada Shipping Act. (p. 19)

Risks Covered

Where in any employment within the scope of the provincial workmen's compensation system "personal injury by accident arising out of and in the course of the employment is caused to a workman", compensation is to be paid, including cash payments, medical and surgical aid and hospital and skilled nursing services. But no compensation is payable where the injury

is attributable solely to the serious and wilful misconduct of the workman unless the injury results in death or serious disablement.

This wording of the Ontario Act is reproduced in the statutes of Prince Edward Island, Quebec and Saskatchewan and, with some slight variation, in Alberta. In Manitoba, Newfoundland and Nova Scotia, the law is similar but the exception in favour of a workman whose misconduct caused the injury is limited to cases where the resulting disablement is permanent ("unless the injury results in death or serious and permanent disablement"). The British Columbia Act has a further variation of this provision, stating that compensation is not payable in such circumstances unless the injury results in death or serious or permanent disablement. The New Brunswick Act differs from the other Acts in stipulating that no compensation shall be paid if the accident was, in the opinion of the Board, intentionally caused by the workman or was wholly or principally due to his intoxication or serious and wilful misconduct and did not result in the workman's death.

In all the provinces but New Brunswick the word "accident" is defined to include "a wilful and an intentional act, not being the act of the workman, and a fortuitous event occasioned by a physical or natural cause". Under the New Brunswick Act, "accident" means an unlooked for mishap or untoward event which is not expected or designed. In Newfoundland, New Brunswick, Nova Scotia and Prince Edward Island, compensation is payable for injury by lightning, and the

Newfoundland, New Brunswick, Nova Scotia, Prince Edward Island and Saskatchewan Acts expressly include frostbite resulting from the workman's employment. A special clause in the Alberta and Saskatchewan Acts provides that, where a workman is found dead in a place where his employment might cause him to be, it shall be presumed that his death was the result of an accident arising out of his employment unless the evidence is sufficient to rebut the presumption. A similar provision in the Newfoundland and Nova Scotia Acts applies only to a workman found dead in the underground workings of a mine, (in Nova Scotia, of a coal mine).

Occupational Diseases

In addition to accidents, certain occupational diseases give a workman the right to compensation in all the provinces, "if the disease is due to the nature of any employment in which he was engaged at any time within twelve months previous to the date of his disablement whether under one or more employments". In Manitoba and Ontario, any disease peculiar to an industrial process is compensable. In all provinces but Alberta, it is stipulated that compensation shall not be paid if, at the time of entering into the employment, the workman had wilfully and falsely represented himself as not having previously suffered from the disease. In British Columbia, Manitoba, Ontario, Quebec and Saskatchewan, however, the workman is ineligible for compensation only if such false representation has been made in writing.

The diseases for which compensation is payable are set out in a schedule to each Act, or, in New Brunswick and Ontario, in the regulations of the Board. The Board in every province is given authority to add to the schedule and in most cases other diseases have been added to the original list. In New Brunswick, the Board was empowered to determine by regulation all the diseases to be compensated. The occupational diseases which are compensable under the provincial Acts are shown in tables beginning at page 30 .

In Newfoundland, New Brunswick and Prince Edward Island, the Board may require a workman in any employment to have a medical examination in order to determine whether he has an occupational disease, and if he refuses or fails to do so, the employer may not continue to employ him.

In all provinces, compensation is payable for silicosis. In Alberta, British Columbia, Manitoba, Nova Scotia, Ontario, Quebec and Saskatchewan, silicosis is compensated under certain conditions, that is, the workman must have been employed for a stated period in employment where he was exposed to silica dust either in a specified industry or, in Manitoba and Nova Scotia, in any industry within the scope of Part I of the Act. In Newfoundland, New Brunswick and Prince Edward Island, silicosis is included in the schedule of industrial diseases; it is compensated in Newfoundland if it occurs in mining and in Prince Edward Island if it occurs in any process involving the inhalation of silica dust.

Waiting Period

Each Act provides for a "waiting period", which varies from one to seven days.

In Alberta and Saskatchewan, the waiting period is one day, that is, no compensation is payable for a disability that lasts only for the day of the

accident but if the worker is disabled for any longer time, compensation is payable from and including the day after the accident.

The British Columbia and Manitoba Acts provide for a waiting period of three days and a qualifying period (six days in British Columbia and seven days in Manitoba) at the expiration of which compensation is payable from the date of the accident. A worker in British Columbia whose disability lasts six days or less cannot recover compensation for the first three days of his disability. Only if a disability lasts longer than six days is compensation payable from the day of the accident. Similarly, an injured worker in Manitoba has to be off work longer than seven days in order to be eligible for compensation from the date of the accident.

In Newfoundland, New Brunswick and Prince Edward Island, the waiting period is four days; in Nova Scotia, Ontario and Quebec, it is five days. Workers receive no compensation, therefore, for short periods of disability, that is, less than four days in Newfoundland, New Brunswick and Prince Edward Island, and less than five days in Nova Scotia, Ontario and Quebec. Where the disability continues beyond the waiting period, compensation is payable from the date of the lay-off.

Under all the Acts, medical aid is given from the date of the accident.

Medical Aid

In addition to cash benefits, the cost of medical aid for injured workmen is borne by the Accident Fund for as long as needed under all the provincial Acts. In Quebec, employers who are individually liable for compensation must furnish satisfactory medical aid or they may be ordered to pay for such aid as is procured by the workmen or the Board; in Ontario, the amount must be paid by such employers through the Board.

In all provinces, medical aid includes medical, surgical, nursing and hospital services. In Ontario, it includes also treatment by persons registered under the Drugless Practitioners Act and the Chiropody Act and in Alberta and Saskatchewan, the term includes treatment by any person licensed under provincial law to practise the healing arts. In Manitoba, the Board may permit treatment by a registered osteopath or chiropractor. The British Columbia Act permits treatment by "qualified practitioners" defined as persons registered under the Chiropody Act, the Chiropractic Act, the Dentistry Act and the Naturopathic Physicians Act.

In British Columbia and Manitoba, it is expressly provided that the Board has authority to provide transportation for an injured workman. In Alberta, Newfoundland, New Brunswick and Saskatchewan, the term "medical aid" includes transportation (in Saskatchewan, expenses of transportation and sustenance of the injured workman). The New Brunswick Act requires an employer to transport the workman to a hospital, physician or to the workman's home, the cost to be paid for by the Board from the Accident Fund. In all other provinces, the cost of such transport must be borne directly by the employer. In Newfoundland, Nova Scotia and Prince Edward Island, if an employer fails to provide a conveyance, he is liable to pay to the Board double the cost of transporting the workman.

The Boards of all provinces provide crutches, artificial limbs and other apparatus for injured workmen. In Newfoundland, New Brunswick, Nova Scotia, Ontario, Prince Edward Island, Quebec and Saskatchewan, workmen are entitled to have such apparatus kept in repair as the Board deems necessary, and in Alberta, British Columbia and Manitoba for as long as disability lasts. The Alberta, British Columbia, Manitoba and Quebec Acts specifically provide for medicines and in other provinces the cost of these may be included in the term "medical aid". In Alberta, British Columbia, Manitoba and Saskatchewan, the Board may replace and repair broken dentures, and in Newfoundland, Nova Scotia, Ontario and Prince Edward Island, the workman is entitled to such dental appliances and apparatus as may be necessary as a result of an accident and to have them kept in repair or replaced at the discretion of the Board. In New Brunswick, provision is made for dental aid. In Alberta, British Columbia, Manitoba, Newfoundland, Nova Scotia, Prince Edward Island and Saskatchewan, the Board may replace and repair eyeglasses broken by an accident arising out of employment. The Saskatchewan Board may bear the expense of the removal of infected teeth or tonsils which can be assumed to hinder an injured workman's recovery. In Ontario, provision is made in permanent total disability cases for such other treatment, services or attendance as may be necessary as the result of the injury.

The Board is authorized to make a per diem subsistence allowance from the Accident Fund in Alberta, British Columbia and Newfoundland to a workman under treatment at a place other than that in which he resides. In Alberta, the allowance authorized to be paid is \$5 a day. No amount is specified in British Columbia and Newfoundland.

As regards the choice of a physician, the statutes in New Brunswick and Ontario merely stipulate that a workman must, if required by his employer, submit to a medical examination by a physician chosen and paid by his employer. The implication is that in the first instance he may choose his own doctor. In Quebec, the Act expressly states that a workman may select his physician. In Alberta, British Columbia and Manitoba, the Board is authorized to permit the workman to be treated by his own physician and this is the usual practice provided one reasonably near is chosen.

If so required by the Board, a workman under several of the Acts must submit to an examination by a medical referee chosen by the Board or to such other examination as the Board requires. In Alberta, in cases of dispute, the Board, if requested by the workman in writing, after consulting the workman's physician, must nominate two recognized specialists in the class of injury or ailment for which compensation is claimed and the workman may select one of them to conduct the examination. If he fails to make a choice, the Board may make it. Similar provision for a medical appeal is made in British Columbia where a workman who requests a further examination must be examined by a specialist selected by himself from a list of specialists provided by the Board.

In all provinces the fees for medical aid are fixed by the Board.

Employers' Schemes for Medical Aid

Employers' schemes for medical aid to their workmen may, under all the statutes except that of Ontario and Saskatchewan, be continued or put into effect if, after considering the wishes of both workmen and employer, the Board deems them to be at least as favourable to the workmen as the provisions of the Act. Such a scheme, approved by the Board and under its supervision, may replace the arrangement for medical aid in the Act. In Manitoba and New Brunswick, no private schemes have been approved by the Board. The Alberta, Newfoundland, New Brunswick, Nova Scotia, Prince Edward Island and Quebec Acts stipulate that the employer is entitled to reimbursement out of the Accident Fund or to a reduction in his assessment rate where such a scheme is in force. In British Columbia and Manitoba, the Act states that employers' schemes for medical aid may be approved subject to such conditions as the Board may impose. In Newfoundland, New Brunswick, Nova Scotia, Prince Edward Island, Quebec and Saskatchewan, contributions from workmen towards the expense of medical aid are expressly forbidden except as may be permitted under a private arrangement for furnishing medical aid approved by the Board. In Nova Scotia, schemes in the coal industry under which the miners pay the cost through a long-established arrangement with the local doctors have been permitted to continue in consideration of the employers' contributions to miners' relief societies which constitute virtually an insurance plan providing benefits in sickness and for dependants in case of death. In some districts these arrangements for medical treatment were altered so as not to apply to compensation cases.

Medical Aid for Seamen

The federal Merchant Seamen Compensation Act, which applies to seamen who are not within the scope of a provincial Workmen's Compensation Act, provides for medical aid from the date of disability. The Act stipulates, however, that a seaman entitled to medical aid under the Canada Shipping Act is not entitled to medical aid under the 1946 statute for the same period or to the same extent.

In British Columbia, Newfoundland, New Brunswick and Prince Edward Island, the Workmen's Compensation Act stipulates that seamen on vessels on which duty is payable for the purpose of the Sick Mariners' Fund under Part V of the Canada Shipping Act shall not, during the period for which such duty is payable, receive medical aid under the Workmen's Compensation Act. In British Columbia, however, seamen are eligible under the Workmen's Compensation Act for any additional medical aid which is not furnished under the Canada Shipping Act. Under that Act, all ships arriving at any port in British Columbia, Manitoba, Newfoundland, New Brunswick, Nova Scotia, Ontario, Prince Edward Island or Quebec are required to pay a duty for the Sick Mariners' Fund but ships engaged in the coastal trade and fishing vessels are exempt. A master of a fishing vessel may, however, elect to pay the duty whereupon medical treatment is available to members of the crew.

First Aid

In all provinces, employers in industries in which it is deemed proper may be required by the Board to maintain such first-aid appliances and service as the Board may direct. In British Columbia, when the employer fails to comply with this provision, the Board may install first-aid appliances and charge the cost of them to the employer. Regulations have been issued in most provinces setting out the minimum first-aid service required to be maintained according to the number of employees.

Rehabilitation

To aid in getting men back to work and in lessening any handicap, a Board may adopt any means considered expedient and pay the cost from the Accident Fund. Except in Alberta, British Columbia and Saskatchewan, the maximum amount that may be spent for rehabilitation in a year is fixed in the statute: \$5,000 in Prince Edward Island; \$10,000 in Manitoba; \$15,000 in Newfoundland and New Brunswick; \$20,000 in Nova Scotia; \$100,000 in Quebec; and \$200,000 in Ontario. In Alberta, since 1948 a reserve fund has been set aside for the payment of expenses incurred by the Board in re-training and rehabilitation.

Accidents Occurring Outside the Province

The Act in each province makes some provision for compensation to workmen who are hired by an employer in the province and who are injured in accidents occurring outside its boundaries.

The determining factors are usually the employer's place of business and the residence and usual place of employment of the workman. Although the Acts vary in wording, in general they ensure protection to such workmen and guard against any overlapping.

In British Columbia, Ontario and Quebec, compensation is payable for an accident which occurs outside the province if the place or chief place of business of the employer and the residence and usual place of employment of the workman are in the province and provided that employment out of the province has lasted less than six months. In Ontario in 1953, however, a section was added to the Act which permits compensation to be paid in such circumstances when workmen are employed out of the province for a longer time than six months.

The Alberta Act provides that compensation is payable if the workman is a resident of the province or his usual place of employment is in the province, if the nature of the work is such that it is required to be performed both in and out of the province, and if the employment out of the province followed employment by the same employer in the province and has lasted less than 12 months (or longer if the Board permits).

In Newfoundland, Nova Scotia and Prince Edward Island, compensation is payable if the workman's usual place of employment is in the province, if the accident happens while he is out of the province for some purpose connected with his employment in the province and if employment out of the province has lasted less than six months or, in the case of Newfoundland, less than eight months.

In these three provinces and in Quebec, however, compensation is only payable in such cases if the workman or his dependants are not entitled to compensation under the law of the place where the accident happens.

The Manitoba Act makes a workman eligible for compensation for an accident which occurs while he is outside the province merely for some casual and incidental purpose connected with his employment provided that he is a resident of the province and his employer has his place of business within its boundaries. A similar provision in the Ontario Act entitles a workman to compensation if his usual and principal place of employment is in Ontario even though his residence is outside the province.

There are, in addition to the above-noted provisions applying to any extra-provincial employment within the scope of the Acts, specific provisions in the British Columbia, Manitoba, Ontario and Quebec Acts which deal with accidents occurring outside the province in employment in connection with the transportation industry.

Compensation is payable in British Columbia, Manitoba and Ontario where an accident happens on a steamboat, ship or vessel, railway or aircraft, or (except in Manitoba) on a truck, bus or other vehicle used to transport freight or passengers, if the nature of the employment is such that it must be performed within and outside the province and, in Manitoba and Ontario, if the workman is a resident of the province or, in British Columbia, if the place or chief place of business of the employer is in the province. An amendment to this section of the Manitoba Act in 1953 provided that members of a fire brigade or other municipal employees are eligible for compensation for an accident which occurs when their duties take them outside the province.

In Quebec, a workman resident in the province and employed in transport by land is entitled to compensation where he is required to perform his work both in and out of the province and one resident or hired in the province and employed in transport by water is eligible for compensation where his work must be performed partly within and partly outside the province if the vessel on which he is employed is either registered in a Canadian port or if the owner or charterer has his home or principal place of business in the province. There is a further provision in the Ontario Act similar to the above, which entitles a workman resident in Ontario to compensation for an accident which happens out of Ontario on a ship registered in Canada or on one of which the owner or charterer has his chief place of business in Ontario whether or not the workman had been employed previously in Ontario and regardless of the duration of his employment out of Ontario.

The Prince Edward Island Act provides that before a workman is required to perform services outside the province an employer must apply to the Board to have the industry brought under the Act and must pay the required assessment. Failure to do so makes him personally liable for compensation. This provision applies to the industry of "navigation" which is limited to work performed on a ship registered in Prince Edward Island or operated by an employer residing or having his place of business in the province, and to voyages between Prince Edward Island and New Brunswick, Nova Scotia or Newfoundland.

The New Brunswick and Saskatchewan Acts make no specific mention of transportation but merely provide that, where a workman is engaged in work part of which is to be performed in the province and part in an adjoining province or country, the work is considered as done in the province and compensation is payable accordingly.

In British Columbia, Newfoundland, New Brunswick, Nova Scotia, Prince Edward Island and Quebec, if an employer fails to include the workmen whose work requires them to go outside the province in the report of his payroll to the Board and an accident occurs to any workman outside the province for which he is entitled to compensation, the employer is individually liable to pay such compensation. The British Columbia, Newfoundland, Nova Scotia and Prince Edward Island Boards, however, may exercise their discretion on this point according to the circumstances.

In Ontario, when the employer's place of business is not in the province, provision is made for the payment of compensation for accidents occurring outside the province under certain circumstances. If compensation is payable under the law of the place where the accident happened, compensation is not payable in Ontario whether the workman is a resident of the province or not, unless his place of employment is in the province and he was, at the time of the accident, out of the province merely for some casual purpose incidental to his employment.

In Alberta, British Columbia, Ontario, Prince Edward Island, Quebec and Saskatchewan, if an accident happening elsewhere than within the province entitles the workman to compensation under the law of another province or country in which the accident occurred as well as under the law of the province, the Act requires him to choose under which law he will claim compensation and to give notice accordingly.

Alberta, British Columbia, Manitoba, Newfoundland, Ontario, Quebec and Saskatchewan provide for interprovincial agreements to facilitate the handling of cases in which workmen are employed outside the province. The Alberta Board may enter into an agreement with the Board of any other province to provide compensation for injuries to workmen who are employed under such conditions that part of their work is performed in Alberta and part in another province and to prevent a duplication of assessments. The British Columbia, Newfoundland, Ontario and Quebec Boards may make arrangements with the Board of any other province to avoid duplication of assessments and may repay any other Board for any payment of compensation made under such an arrangement. In Manitoba, where a workman's employment requires him to be regularly outside the province, the Board may arrange with the employer and the Board of the other province the premium to be paid to each Board.

In Saskatchewan, the Act enables the Board, with the approval of the Lieutenant-Governor in Council, to arrange with the Boards of adjoining provinces with respect to compensation for injuries to workmen whose employment is at one time or season in one province and at another time or season in another, and also with respect to compensation for industrial diseases incurred by workmen whose employment extends across the interprovincial boundary. The Manitoba Act has a similar provision relating to industrial diseases.

Non-resident Workmen and Dependants

The question of compensation to workmen or their dependants who reside outside the province or outside of Canada is dealt with in all the Acts. In most of the provinces such compensation is granted only on condition that similar benefits are provided for by the law of the country in which the beneficiaries reside. The higher standard of living in Canada compared with many other countries has also been taken into consideration and it is frequently stipulated that the amount of compensation may be adjusted on this basis.

The British Columbia law stipulates that, where compensation is payable to persons residing outside of Canada, the Board may award a smaller sum if, in its opinion, dependants can be maintained on such smaller sum in a like degree of comfort as dependants of the same class in Canada. The New Brunswick Act contains a similar provision with respect to dependent aliens residing outside of Canada.

In Quebec, dependants not residing in Canada may be awarded such sum in lieu of compensation as the Workmen's Compensation Commission deems proper.

A similar provision to that of Quebec is found in the Alberta, Ontario and Saskatchewan Acts. These statutes, however, while giving to the Board such discretionary power, stipulate, generally, that a dependant who does not live in Canada is not entitled to compensation, unless by the law of the place or country in which he resides, the dependant of a workman to whom an accident happens in that country, if resident in Canada, would be entitled to compensation.

In Manitoba, Newfoundland, New Brunswick, Nova Scotia and Prince Edward Island, the section dealing with non-resident dependants is like that in Alberta, Ontario and Saskatchewan except that in the five first-named provinces, the provision relates to dependants who do not live in the province as well as to non-residents of Canada, and in Newfoundland, New Brunswick, Nova Scotia and Prince Edward Island, the clause is permissive only. The Board is given power to order compensation to be paid in such cases. In New Brunswick, the statute requires an order in council to set out that provision is made by other provinces and countries for compensation in respect to workmen of those countries or provinces and benefits are payable to dependants resident in New Brunswick. Such an order in council was approved in February, 1919.

In the three provinces, Manitoba, Ontario and Saskatchewan, compensation awarded to non-resident dependants may not be greater than the amount of compensation that would be payable under the law of the other country if the dependant concerned under that law resided in one of these provinces and in Newfoundland, New Brunswick, Nova Scotia and Prince Edward Island, the Board may reduce the compensation in such a case to that payable under the law of the country concerned.

Security for Payment of Compensation

Default on the part of the employer in making the required returns to the Board or in paying his assessment does not affect the payment of compensation for an accident occurring during the period of default. In such case, the employer is liable, in Alberta and Manitoba, in addition to a penalty, to pay one-half of the compensation payable, or in Alberta, not more than \$300 and in Manitoba, not more than \$500. In the other provinces except Prince Edward Island, the employer is required to pay the full amount or capitalized value of the compensation as the Board determines. The Prince Edward Island Act makes the employer liable, in addition to a penalty, to pay \$100 for each week of default.

In every province where default is made in the payment of an assessment, judgment may be entered on a certificate filed in court by the Board. In Alberta, British Columbia, Manitoba, Newfoundland, New Brunswick, Nova Scotia and Prince Edward Island, the Board has right of action against the employer and in Alberta, Ontario and Saskatchewan, if an assessment remains unpaid for 30 days the amount may be collected for the Board by the municipality in the same manner as taxes.

In Quebec, assessments have priority over any lien and in British Columbia and Alberta, over any lien except one for wages. In the other provinces, where an employer would be entitled to a lien the owner of the property is liable for the assessment or to a penalty if he fails to see that the employer pays it.

All the Acts provide that in the case of the death of the employer or of an assignment or winding-up of a company the amount of any assessment or compensation for which the employer was liable shall be included among the debts, such as legal costs, taxes or wages, which, under the provincial statutes governing the distribution of estates in such cases, have priority over other claims against the property of the employer. The federal Bankruptcy Act also stipulates that all wages earned during the preceding three months and any indebtedness under a provincial Workmen's Compensation Act shall be preferred claims.

Accident Prevention

The Board in each province, except Manitoba, and any person appointed by the Board have authority to inspect the premises of any employer within the scope of the Act to ascertain whether proper precautions are being taken to prevent accidents and whether the safety appliances or safeguards required by law are being used. In Manitoba, the provincial Department of Labour is responsible for accident prevention work.

In Alberta, British Columbia, Newfoundland and Saskatchewan, the Board may determine the measures to be adopted or the safety devices to be installed for the prevention of accidents and diseases, making general or special rules for that purpose. Before adopting such rules, the British Columbia Board must arrange for them to be considered at a public hearing of which ten days' notice must be given and the Newfoundland and Saskatchewan Boards may hold a conference with a committee consisting of not more than five employers and a committee of an equal number of workmen in the industries affected by the regulations. In all these provinces and in Prince Edward Island, the Board may order an employer to install in his plant, within a specified time, any safety device which in its opinion is necessary. In British Columbia, Newfoundland and Saskatchewan, the Board may maintain museums or places for the exhibition of safety devices, publish and distribute bulletins on accident prevention, arrange for lectures on the causes and prevention of industrial accidents and diseases and appoint advisory committees on which employers and workmen are represented to assist the Board in establishing standards of safety and to recommend rules for that purpose. 1

Alberta Board has similar power to carry on education and instruction in accident prevention. Safety regulations have been made by the Boards of both Alberta and British Columbia. An accident prevention committee must be organized in every plant employing, in Alberta, 10 or more workmen, or in British Columbia, 20 or more.

In Newfoundland, New Brunswick, Nova Scotia, Ontario, Prince Edward Island and Quebec, associations of employers, and in Saskatchewan associations of employers and workmen, in any of the classes into which they are divided for purposes of assessment may make rules for accident prevention. In New Brunswick and Nova Scotia, one accident prevention association covers the province. In Ontario and Quebec, certain classes are organized separately, construction, pulp and paper, lumbering, mining and electrical work in Ontario and pulp and paper, lumbering and public utilities in Quebec. Employers in other classes in each province are associated in one body.

If the Newfoundland, Nova Scotia and Prince Edward Island Boards approve the rules, they become binding upon all employers in the class or classes whether members of the association or not. In New Brunswick, Ontario, Quebec and Saskatchewan, if the Board considers the association to be sufficiently representative of the employers affected and approves their rules, they become binding if they are approved also by the Lieutenant-Governor in Council. Where an association appoints safety inspectors, the Board in any of these provinces may pay the whole or part of their salaries out of the Accident Fund. A special grant may also be made towards the expenses of an association. Monies paid by the Board, under these provisions, are to be charged to the classes represented by the association concerned.

In Alberta, British Columbia and Prince Edward Island, if the Board considers that an accident is due to the failure of an employer to comply with the regulations or with the directions of the Board, it may, in British Columbia, collect from the employer the amount of the compensation payable, not exceeding \$300 in any case, and in Alberta and Prince Edward Island, a sum not exceeding one-half of the amount of compensation payable.

In British Columbia and Manitoba, where an industry is so circumstanced or conducted that the hazard is either greater or less than the average of the class to which the industry belongs, the Board may fix a higher or lower rate according to the hazard. In New Brunswick, the rate may be increased where the hazard is greater than the average of the class owing to the manner in which the industry is carried on.

The Acts of all provinces except Prince Edward Island permit the Board to adopt a system of merit or experience rating. Moreover, in Alberta, Ontario, Quebec and Saskatchewan, if the Board considers that sufficient precautions have not been taken for the prevention of accidents or that working conditions are not safe or that machinery, appliances, etc., are defective or inadequate, it may add to the employer's assessment such a percentage as it deems just or, in Quebec, it may exclude the industry from the class in which it is included and make the employer individually liable for compensation. In Prince Edward Island, an employer who disregards the recommendations of the safety officer authorized by the Board to inspect his premises is liable to have his assessment rate raised or, if the hazard is not removed, to be restrained from carrying on operations.

Conventions and Recommendations
of the International Labour
Conference

1. Accidents

The International Labour Conference at its 1925 Session adopted three Conventions and four Recommendations concerning workmen's compensation. The 1925 Convention (No. 18) concerning compensation for occupational diseases was revised in 1934 (No. 42) to cover additional diseases.

The Convention (No. 17) relating to industrial accidents requires that workmen's compensation laws shall apply to all workmen, employees and apprentices employed in a public or private undertaking with the exception, where deemed desirable by the Legislature, of casual workers employed otherwise than for the purposes of the employer's business, outworkers, members of the employer's family working exclusively for and residing with him, and non-manual workers whose remuneration exceeds a limit determined by national legislation.

The Convention does not apply to agriculture, which is covered by a 1921 Convention, nor to seamen or fishermen, nor to persons covered by special schemes whose terms are not less favourable than those of the Convention.

The Convention requires compensation, in fatal and permanent disability cases, to be paid periodically except where the authorities are satisfied that a lump sum will be properly used. Compensation must be payable from not later than the fifth day after the accident and additional compensation must be given where the injured person requires the constant help of another person. A workman is entitled to medical, surgical and pharmaceutical aid and to the supply and normal renewing of artificial limbs and surgical appliances or to a money payment in place of them. Provision must be made to ensure the payment of compensation in the event of the employer or insurer becoming insolvent.

The Convention leaves each country free to determine whether compensation shall be payable directly by the employer or by an accident or sickness insurance institution.

This Convention has been ratified by 25 States. It can be ratified by Canada only if the federal, provincial and territorial laws comply with its standards. The most outstanding differences are in scope. The Convention includes domestic servants which are nowhere included in Canada. It applies also to industrial undertakings irrespective of the number employed, to commercial establishments, such as shops, hotels, restaurants, places of amusement, banks and offices of various kinds, to hospitals and other institutions of a commercial or of a non-profit nature.

The scope of the Canadian Acts is set out on p. 11 .

2. Agriculture

Convention No. 12, adopted at the 1921 Session of the Conference, requires all agricultural wage-earners to be included within the scope of workmen's compensation. This Convention has been ratified by 26 countries, including the United Kingdom and New Zealand.

In Canada, farm workers are not compensable except to a very small extent. However, in most provinces agricultural workers may be brought within the scope of the Act either by regulation of the Board or by Order in Council, (p.13).

3. Occupational Diseases

The 1925 Convention providing for compensation for poisoning by lead or its alloys or compounds, poisoning by mercury or its amalgams and compounds, and for anthrax infection was ratified by 32 States. The 1934 Convention has been ratified by 28 States, including the United Kingdom.

This Convention requires compensation to be paid in case of death or disability from any of the specified diseases in accordance with the general principles of the legislation providing for compensation for industrial accidents and at rates not less than those prescribed for accidental injury. In addition to the three diseases specified above, the 1934 Convention applies to silicosis, poisoning by phosphorus or arsenic or their compounds, poisoning by benzene or its homologues and their nitro-and amido-derivatives or by the halogen derivatives of hydro-carbons of the aliphatic series, pathological manifestations due to radium or other radio-active substances or to X-rays, and primary epitheliomatous cancer of the skin.

Only Ontario and Saskatchewan provide compensation for all these diseases. For the diseases compensable in each province, see p. 30 .

A Recommendation (No. 24) of the 1925 Conference is to the effect that each State should adopt a simple procedure for revising the list of diseases for which compensation is payable. In Canada, all provinces may add to the list by regulation of the Workmen's Compensation Board.

4. Minimum Scale of Compensation

The Recommendation (No. 22) concerning the Minimum Scale of Workmen's Compensation proposes for permanent total incapacity a periodic payment equal to two-thirds of the workman's annual earnings and in case of temporary total incapacity a daily or weekly payment equivalent to two-thirds of the workman's basic earnings as calculated for purposes of compensation. In case of permanent or temporary partial incapacity, the benefit proposed is a proportion of the periodic payment due in the event of permanent or temporary total incapacity, respectively calculated in reference to the reduction in earning power.

Where periodic payments are made, the maximum yearly total paid to all dependants should not be less than two-thirds of the annual earnings of the deceased workman. Where compensation is paid in a lump sum, the maximum payable to all dependants should not be less than the capitalized value of periodic payments equivalent to two-thirds of the annual earnings.

The Recommendation further proposes that provision be made for the vocational re-education of injured workmen, and institutions which undertake such re-education should be encouraged by the Government.

Those entitled to be regarded as dependants under the Recommendation include at least the consort, children under 18 and invalid children over that age, dependent grandchildren and brothers and sisters within the same age limits, and dependent parents and grandparents.

In the Canadian provinces compensation is payable on at least as high a scale except that in all provinces a limit is placed on the maximum earnings which may be taken into account when calculating compensation. Further, compensation is normally paid only in respect of children under 16 except in New Brunswick and Quebec where the normal age is 18. In New Brunswick, however, payments cease if the child does not attend school up to 18 years. Exceptions are made for invalid children in all provinces and in Alberta, British Columbia, Manitoba, Newfoundland, Nova Scotia, Ontario, Prince Edward Island and Saskatchewan, for children continuing their education up to 18 years of age.

5. Equality of Treatment for National and Foreign Workers

The Convention (No. 19) concerning Equality of Treatment for National and Foreign Workers as regards Workmen's Compensation for Accidents has been ratified by 42 countries, including the United Kingdom.

This Convention requires each State which ratifies it to grant to the nationals of any other State which ratifies the Convention the same treatment in regard to compensation for accidents happening in its territory as it accords to its own nationals. This treatment is to be given to foreign workers and their dependants without any conditions as to residence. Special arrangements between the States concerned are to regulate, if necessary, the payments to be made outside the territory of any Member State. Agreements may be made between Member States providing that compensation for accidents happening to workers who are temporarily or intermittently employed in the territory of one Member, on behalf of an undertaking situated in the territory of another Member, shall be governed by the laws of the latter Member State.

The Canadian provisions relating to Equality of Treatment are stated on page 23.

The Recommendation (No. 25) on the same subject is to the effect that measures should be taken to facilitate the payment of compensation to foreign workers, and that in case of dispute concerning the non-payment or reduction of compensation due to a person residing elsewhere than in the territory where his claim originated, facilities should be afforded for taking legal proceedings in such territory without requiring the attendance of the persons concerned.

6. Jurisdiction in Disputes

Recommendation No. 23 relates to jurisdiction in disputes concerning workmen's compensation. Since such disputes turn not only on the interpretation of laws and regulations but also on questions of an occupational character requiring a thorough knowledge of working conditions, it is recommended that every dispute relating to workmen's compensation should be dealt with by a special court or board of arbitration comprising, with or without the addition of regular judges, an equal number of employers' and workers' representatives nominated or appointed to act as adjudicators by their respective organizations or elected by bodies of employers and workmen. Where such disputes are dealt with by ordinary courts of law, the courts should be required to hear employers' and workers' representatives as experts in cases involving questions of an occupational character and, in particular, the question of degree of incapacity.

Occupational Diseases

The following table shows the diseases for which compensation is payable under the Workmen's Compensation Acts by provinces but in Manitoba and Ontario any disease peculiar to an industrial process or occupation may be compensated. In Prince Edward Island, any disease peculiar to or characteristic of a particular industrial process, trade or occupation is declared to be an industrial disease insofar as it applies to employees of clinics, hospitals, laboratories or sanatoria.

Aero 'otitis' media in any process in which rapid alteration in atmospheric pressure is encountered	) ) )	British Columbia
Anthrax)	
Arsenic poisoning or its sequelae)	
Lead poisoning or its sequelae	)	All provinces
Mercury poisoning or its sequelae)	
Phosphorus poisoning or its sequelae)	
Ammonia poisoning or its sequelae	) )	New Brunswick, Prince Edward Island, Saskatchewan
Ankylostomiasis	) ) )	British Columbia, Manitoba, Newfoundland, Nova Scotia, Ontario, Saskatchewan
Asbestosis	)	British Columbia, Quebec
Asthma and respiratory irritations due to exposure to organic or fibrous dusts, as in handling grain, furs, feathers, cedar, mahogany, wool, rock-wool, asbestos or wood	) ) ) ) ) )	British Columbia
Benzene (benzol) poisoning and poisoning by its homologues, nitro- and amino-derivatives, anilin and others	) ) ) )	Alberta, British Columbia, Manitoba (munition making), Newfoundland, Ontario, Quebec, Saskatchewan
Bovine tuberculosis contracted from handling of animals or from laboratory work	) ) )	Saskatchewan
Brass, zinc or nickel poisoning or its sequelae	) )	Newfoundland, New Brunswick, Ontario, Quebec, Saskatchewan
Bronchitis and pulmonary oedema in any process using oxyacetylene or electric arc for cutting or welding	) ) )	British Columbia

Bursitis (see also Cellulitis)	) Newfoundland, Ontario, Prince) Edward Island, Quebec, Saskatchewan
- acute, elbow	) British Columbia, Newfoundland,) New Brunswick, Nova Scotia
- prepatellar	) British Columbia, New Brunswick
Cadmium poisoning	) Ontario, Quebec, Saskatchewan
Cancer arising from the manufacture, handling or use of pitch or tar	) Newfoundland
Cancer, epitheliomatous, or ulceration of the skin or cornea due to tar, pitch, bitumen, mineral oil or paraffin, or any compound, product or residue of any such substance	) Nova Scotia, Ontario, Prince) Edward Island, Saskatchewan
Carbon bisulphide poisoning or its sequelae	) British Columbia, Newfoundland,) New Brunswick, Ontario, Prince) Edward Island, Saskatchewan
Carbon dioxide poisoning or its sequelae	) Newfoundland, New Brunswick,) Ontario, Saskatchewan
Carbon monoxide poisoning or its sequelae	) British Columbia, Newfoundland,) New Brunswick, Ontario, Quebec,) Saskatchewan
Cellulitis, subcutaneous, hand	) Alberta, British Columbia,) Newfoundland, Nova Scotia
- -, - -, patella	) British Columbia, Newfoundland,) Nova Scotia
Chlorinated hydro-carbons (carbon tetrachloride, trichlorethylene, tetrachlorethane, trichloronaphtha- lene and others), poisoning by or its sequelae	) British Columbia, Ontario,) Quebec, Saskatchewan.
Chlorine poisoning	) Saskatchewan
Chrome poisoning	) Newfoundland, Ontario, Quebec,) Saskatchewan
Chromium and its compounds, dermatitis in any process using	) British Columbia
Circulatory disturbances of the extremities in any process involving muscular effort at low temperatures or handling cold materials	) British Columbia

Dermatitis venenata in any process involving use of or contact with acids and alkalis or acids and oils or other irritants capable of causing it	) ) ) ) )	Newfoundland, Nova Scotia, Ontario, Prince Edward Island, Quebec, Saskatchewan
Formaldehyde poisoning	)	British Columbia, Saskatchewan
Frostbite	) ) )	Newfoundland, New Brunswick, Nova Scotia, Prince Edward Island, Saskatchewan
Gastric irritation in any process using oxyacetylene gas or electric arc for cutting or welding	) ) )	British Columbia
Glanders	) )	Alberta, New Brunswick, Saskatchewan
Heat exhaustion	)	British Columbia
Infection from handling sugar	)	New Brunswick
Infected blisters from any process involving continuous friction, rubbing or vibration	) ) ) )	British Columbia, Newfoundland, New Brunswick, Ontario, Prince Edward Island, Quebec, Saskatchewan
Magnesium and its compounds, dermatitis in any process using	) )	British Columbia
Metal-fume fever in any process involving welding on galvanized material or exposure to the oxides of zinc, manganese, cadmium, chromium or copper	) ) ) ) )	British Columbia
Miners' phthisis	)	Saskatchewan
Newcastle disease contracted from handling of poultry or from laboratory work	) ) )	Saskatchewan
Nickel and its compounds, dermatitis in any process using	) )	British Columbia
Nitrous fumes, poisoning by, or its sequelae	) ) )	British Columbia, Manitoba (munition making), Newfoundland, Ontario, Quebec, Saskatchewan
Petroleum and products, respiratory, gastro-intestinal, nerve and eye disorders due to	) ) )	Saskatchewan

Pneumoconiosis in quarrying, cutting, crushing, grinding or polishing of stone or grinding or polishing of metal	) ) )	Newfoundland, Ontario
Pneumoconiosis in mining; and in quarrying, cutting, crushing, grinding or polishing of stone or grinding or polishing of metal (in Quebec, also in smelting of metal and in potteries)	) ) ) ) )	Alberta, Quebec, Saskatchewan
Pneumoconiosis in monument lettering and setting, stone dressing and cutting, sand-blasting, reduction and smelting of ores, manufacture of alabastine, lime and gypsum products, sewer-construction, road-construction, quarrying or tunnelling, grinding or polishing of stone or metal castings, or any process in any foundry or other manufacturing operation where there is exposure to pneumoconiosis- producing dust	) ) ) ) ) ) ) ) ) )	British Columbia
Poisoning in any process involving use of a volatile solvent (in assembling or repairing motor-vehicles, or in making paints, paint removers or water-proof fabrics, printing, dry cleaning, welding or gasoline blending - Saskatchewan)	) ) ) ) ) )	British Columbia, Saskatchewan
Poisoning in any process where there is exposure to methyl chloride	) )	British Columbia
Poisoning caused by chemicals used in the painting industry	) )	New Brunswick
Pulmonary and respiratory irritation from exposure to vapours, mists or dust	) )	British Columbia
Respiratory disease due to inhalation of materials in non-offset sprays in printing industry	) ) )	Ontario
Rhinitis from contact with allergens or chemical vapours or dust	) )	British Columbia
Seal finger in handling seals or seal products	) )	Newfoundland
Silicosis	) )	New Brunswick, Prince Edward Island
Silicosis in mining	)	Newfoundland, Ontario

Silicosis in any industry under Part I of the Act	) Manitoba, Nova Scotia
Silicosis in mining, quarrying, cutting, crushing, grinding or polishing of stone, or grinding or polishing of metal (also smelting of metal - Quebec)	) Alberta, Quebec, Saskatchewan
Silicosis in steel-sharpening in metalliferous-mining; grinding, repairing or handling tools or machinery in mine operations; ore-crushing or rock-crushing; or any work in mining where there is exposure to silica dust	) British Columbia
Silicosis in making pottery	) Quebec
Stone workers' or grinders' phthisis	) Newfoundland, Ontario, Saskatchewan
Sulphur poisoning or its sequelae	) New Brunswick, Prince Edward Island
Sulphur poisoning in coal mining	) British Columbia
Sulphuric, hydrochloric or hydrofluoric acid, poisoning by	) Saskatchewan
Tenosynovitis, inflammation affecting the sheaths and tendons (wrist only - Newfoundland, Quebec and Saskatchewan)	) British Columbia, Newfoundland, Ontario, Quebec, Saskatchewan
Tooth-erosion due to exposure to acid fumes or mist	) British Columbia
Traumatic deafness in any industry where there is exposure to blasting or other noise capable of producing injury to the auditory nerve or middle ear	) British Columbia
Tuberculosis from employment under Part I of the Act in hospitals, sanatoria or clinics or branch of the Victorian Order of Nurses; in British Columbia Medical Research Institute; in any prison hospital unit of Province; in a public health unit of Province, University of British Columbia, a municipality or school board, or in similar work performed by social welfare workers employed by Province or a municipality; and in the Department of Bacteriology of the University of British Columbia	) British Columbia

Tuberculosis contracted by a workman employed in a hospital, sanitorium or sanitarium to which Part I of the Act applies or in a provincial laboratory	) ) ) ) )	Ontario
Ulceration of mucous membrane of the throat and nose due to exposure to acid fumes or mist	) ) )	British Columbia
Undulant fever (brucellosis) contracted from handling of animals or carcasses or from laboratory work	) ) ) )	British Columbia, Prince Edward Island, Saskatchewan
Vascular disturbances in the extremities due to continuous vibration of machines or power tools (in Saskatchewan, upper extremities)	) ) ) ) )	British Columbia, Saskatchewan
Wood alcohol, poisoning by	) )	British Columbia, Saskatchewan
X-rays, radium or other radio-active substances, any disease due to exposure to	) ) )	Ontario, Quebec (ulceration or malignant disease), Saskatchewan
X-rays, cutaneous, circulatory or blood-cell lesions or endocrine change from X-ray apparatus in industry or operation where X-ray or radium is used in a hospital under the Act	) ) ) ) ) ) )	British Columbia

Scale of Compensation

The table shows the benefits payable. Periodic payments may be commuted for a lump sum on certain conditions. In all provinces compensation is paid in respect of a foster-mother at the same rate as to a widow with one or more children for as long as payments to the children continue.

1. MONTHLY BENEFITS TO DEPENDANTS IN CASE OF DEATH OF WORKMAN

<u>Funeral</u>	<u>Widow or Invalid Widower</u>	<u>With Parent</u>	<u>Orphans</u>	<u>Where only dependants are other than consort & child</u>	<u>Maximum</u>
<u>NEWFOUNDLAND</u>					
\$200 ⁴	\$50 plus sum of \$100	Under 16, \$12 each ¹	Under 16, \$20 each ¹	Sum reasonable and in proportion to pecuniary loss ²	66-2/3% of earnings. Minimum \$50 to consort, \$12 to each child or \$20 to orphan child unless total benefits exceed \$100 ³
<u>PRINCE EDWARD ISLAND</u>					
\$200	\$50 plus sum of \$100	Under 16, \$15 each. ¹ Maximum to consort and children, \$110	Under 16, \$25 each. ¹ Maximum \$100	As in Newfoundland. Maximum to parent or parents, \$40. ² Maximum in all, \$60 ²	
<u>NOVA SCOTIA</u>					
\$200	\$50 plus sum of \$100	Under 16, \$20 each. ¹ Maximum to consort and children, \$130	Under 16, \$30 each. ¹ Maximum \$120	As in Newfoundland. Maximum \$45 each. ² Maximum in all, \$60 ²	
<u>NEW BRUNSWICK</u>					
\$200 ⁴	\$50 plus sum of \$100	Under 18, if attending school, \$12 each ¹	Under 18, if attending school, \$25 each ¹	As in Newfoundland. ²	70% of \$3,000 per year ³
<u>QUEBEC</u>					
\$200 ⁴	\$55 plus sum of \$200	Under 18, \$20 each ¹	Under 18, \$30 each ¹	As in Newfoundland. ²	75% of earnings. Minimum \$75 to consort and one child; \$95 if more ³

1. In Alberta, Manitoba, Newfoundland, Nova Scotia, Ontario, Prince Edward Island and Saskatchewan, payments to children may be made up to 18 years if desirable to continue education. In Alberta, Newfoundland and Prince Edward Island, payments to invalid children are continued so long as Board considers workman would have contributed to support. In British Columbia, Manitoba, New Brunswick, Nova Scotia, Ontario, Quebec and Saskatchewan, payments are continued until recovery.
2. In all provinces compensation in these cases is continued only so long as Board considers workman would have contributed to support.
3. For maximum earnings that may be reckoned, see Table 2, Column 5.
4. For transporting body for burial, a maximum of \$150 in Quebec, of \$125 in Newfoundland and New Brunswick and of \$100 in Alberta and British Columbia may be paid. No maximum is specified in Ontario and Saskatchewan. In Manitoba, the Board may pay transportation expenses within the province and part of expenses if the body is moved into or from the province. In Alberta and British Columbia, only transportation expenses within the province are allowed.

<u>Funeral</u>	Widow or Invalid Widower	<u>C H I L D R E N</u>		Where only dependants are other than consort & child	<u>Maximum</u>
		<u>With Parent</u>	<u>Orphans</u>		
<u>ONTARIO</u>					
\$200 ⁴	\$75 plus sum of \$200	Under 16, \$25 each ¹	Under 16, \$35 each ¹	As in Newfoundland. Maximum \$100 ²	Average earnings. Minimum \$75 to con- sort, \$25 to each child or \$35 to orphan child unless total benefits ex- ceed \$150 ³
<u>MANITOBA</u>					
\$200 ⁴	\$50 plus sum of \$100	Under 16, \$20 each ¹	Under 16, \$30 each ¹	As in Newfoundland. Maximum \$30 each. Maximum in all, \$60 ²	70% of earnings. Minimum \$50 to con- sort; \$70 to con- sort and one child \$90 if more ³
<u>SASKATCHEWAN</u>					
\$250 ⁴	\$75 plus sum of \$100	Under 16, \$25 each ¹	Under 16, \$35 each ¹	As in Newfoundland. ²	Average earnings. Minimum \$75 to con- sort; \$100 to con- sort and one child \$115 to consort and two children and \$10 for each addi- tional child. ³
<u>ALBERTA</u>					
\$200 ⁴	\$50 plus sum of \$100	Under 16, \$25 each ¹	Under 16, \$25 each plus an amount not exceeding \$10 to any child under 18. ¹	As in Newfoundland. Maximum to parent or parents, \$50. Maximum in all, \$85	
<u>BRITISH COLUMBIA</u>					
\$250 ⁴	\$75 plus sum of \$100	Under 16, \$25 each ¹ ; if attending school, \$25 between 16 and 18 years	Under 18, \$30 each ¹ ; \$27.50 if able to attend school be- tween 16 and 18 years and not attending	(a) As in Newfoundland. Maximum \$75 to parent or parents. Maximum in all, \$75 (b) If there is widow or invalid widower or orphans, maximum to parent or parents, \$75 ²	

1. In Manitoba, Alberta, Newfoundland, Nova Scotia, Ontario, Prince Edward Island and Saskatchewan, payments to children may be made up to 18 years if desirable to continue education. In Alberta, Newfoundland and Prince Edward Island, payments to invalid children are continued so long as Board considers workman would have contributed to support. In British Columbia, Manitoba, New Brunswick, Nova Scotia, Ontario, Quebec and Saskatchewan, payments are continued until recovery.
2. In all provinces compensation in these cases is continued only so long as Board considers workman would have contributed to support.
3. For maximum earnings that may be reckoned, See Table 2, Column 5.
4. For transporting body for burial, a maximum of \$150 in Quebec, of \$125 in Newfoundland and New Brunswick and of \$100 in Alberta and British Columbia may be paid. No maximum is specified in Ontario and Saskatchewan. In Manitoba, the Board may pay transportation expenses within the province and part of expenses if the body is moved into or from the province. In Alberta and British Columbia, only transportation expenses within the province are allowed.

2. BENEFITS IN CASE OF DISABILITY

<u>PERMANENT</u>		<u>TEMPORARY</u>		Maximum
<u>Total</u>	<u>Partial</u>	<u>Total</u>	<u>Partial</u>	<u>Earnings</u> <u>Reckoned</u>
<u>NEWFOUNDLAND</u>				
66-2/3% of earnings. Minimum \$65 per month or earnings, if less	Proportion of 66-2/3% of earnings based on impaired earning capacity estimated from nature and degree of injury or, if more equitable, 66-2/3% of difference in earnings before and after accident ^{1,2}	66-2/3% of earnings for duration of disability. Minimum \$15 per wk. or earnings, if less	Proportion of 66-2/3% of earnings based on impaired earning capacity estimated from nature and degree of injury or, if more equitable, 66-2/3% of difference in earnings before and after accident, for duration of disability ^{1,2}	\$3,000 per annum
<u>PRINCE EDWARD ISLAND</u>				
75% of earnings. Minimum \$15 per wk. or earnings, if less ³	75% of difference in earnings before and after accident ^{1,2,3}	75% of earnings for duration of disability. Minimum \$15 per wk. or earnings, if less ³	75% of difference in earnings before and after accident for duration of disability ^{1,2,3}	\$2,700 per annum
<u>NOVA SCOTIA</u>				
66-2/3% of earnings. Minimum \$85 per month	66-2/3% of difference in earnings before and after accident. If disability 25% or more, average earnings must be taken as not less than \$18.75 per wk. ¹	66-2/3% of earnings for duration of disability. Minimum \$15 per wk. or earnings, if less	66-2/3% of difference in earnings before and after accident for duration of disability ^{1,2}	\$3,000 per annum
<u>NEW BRUNSWICK</u>				
Average earnings but not in excess of 70% of \$3,000	Amount determined by Board based on impaired earning capacity	70% of earnings for duration of disability. Minimum \$15 per wk. or earnings, if less	If earning capacity diminished by more than 10%, 70% diminution of earning capacity for duration of disability	\$3,000 per annum
<u>QUEBEC</u>				
75% of earnings. Minimum \$15 per wk. or earnings, if less	75% of difference in earnings before and after accident ^{1,2}	75% of earnings for duration of disability. Minimum \$15 per wk. or earnings, if less	75% of difference in earnings before and after accident for duration of disability ^{1,2}	\$4,000 per annum

1. If earning capacity is diminished 10% or less, a lump sum may be given.
2. The minimum payable in case of partial disability is the same proportion of the minimum for total disability (see preceding column) as impairment is of full earning capacity.
3. The Board may fix compensation on basis of \$15 per week, even though average earnings are less than \$15.

<u>PERMANENT</u>		<u>TEMPORARY</u>		<u>Maximum</u>
<u>Total</u>	<u>Partial</u>	<u>Total</u>	<u>Partial</u>	<u>Earnings</u> <u>Reckoned</u>
<u>ONTARIO</u>				
75% of earnings. Minimum \$100 per month or earn- ings, if less	Proportion of 75% of earnings based on impaired earning capacity estimated from nature and degree of injury or, if more equitable, 75% of difference in earnings before and after accident ^{1,2}	75% of earnings for duration of dis- ability. Minimum \$15 per wk. or earnings, if less	75% of difference in earnings before and after accident for duration of disability ^{1,2}	\$4,000 per annum
<u>MANITOBA</u>				
70% of earnings. Minimum \$15 per wk. or earnings, if less	70% of difference in earnings before and after accident ¹	70% of earnings for duration of dis- ability. Minimum \$15 per wk. or earnings, if less	70% of difference in earnings before and after accident for duration of disability ¹	\$3,000 per annum
<u>SASKATCHEWAN</u>				
75% of earnings. ³ Minimum \$25 per wk.	Proportion of 75% of earnings based on impaired earning capacity estimated from nature and degree of injury or, if more equitable, 75% of difference in earnings before and after accident ^{1,2}	75% of earnings for duration of dis- ability. Minimum \$25 per wk. or earnings, if less	Proportion of 75% of earnings based on impaired earning capacity estimated from nature and degree of injury or, if more equitable, 75% of difference in earnings before and after accident for duration of dis- ability ^{1,2}	\$4,000 per annum

1. If earning capacity is diminished 10% or less, a lump sum may be given.
2. The minimum payable in case of partial disability is the same proportion of the minimum for total disability (see preceding column) as impairment is of full earning capacity.
3. Where compensation to workman with dependants would be less than \$1,200 a year, the Board may increase compensation in respect of dependants by specified monthly amounts. In such cases, total amount payable may not exceed \$1,200 a year.

<u>PERMANENT</u>		<u>TEMPORARY</u>		<u>Maximum Earnings Reckoned</u>
<u>Total</u>	<u>Partial</u>	<u>Total</u>	<u>Partial</u>	
<u>ALBERTA</u>				
75% of earnings. Minimum \$25 per wk. or earnings, if less.	Proportion of 75% of earnings based on impaired earning capacity estimated from nature and degree of injury ¹	75% of earnings for duration of disability. Minimum \$25 per wk. or earnings, if less	Proportion of 75% of earnings based on impaired earn- ing capacity estimated from nature and degree of injury for duration of disability	\$3,000 per annum
<u>BRITISH COLUMBIA</u>				
75% of earnings. Minimum \$25 per wk. or earnings, if less.	Proportion of 75% of earnings based on impaired earning capacity estimated from nature and degree of injury or, if more equitable, 75% of difference in earnings before and after accident	75% of earnings for duration of disability. Minimum \$25 per wk. or earnings, if less	75% of difference in earnings before and after accident for duration of disability	\$4,000 per annum

1. If earning capacity is diminished 10% or less, a lump sum may be given.

